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THE NATION

DECEMBER 28, 1970 *35 cents*

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Keeping Tabs on Civilians
Jared Stout

'DANGEROUS OFFENDER'
Trading Law for Order
Rep. Bob Eckhardt

●

Bendow / Levi-Strauss: The Instinct for Order
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LETTERS

why was he fired?

Jacksonville, Fla.

DEAR SIRS: The basic conclusions contained in your article, "Jacksonville TV: The Dynamite in Pollution" by Charles Gillespie [Nov. 9] and the quotes attributed to Bill Grove, news director, and station management of WJXT are utterly false. . . .

The young man [Charles Thompson] who originated your article . . . was not released because of any pressure on the station but because he failed to satisfy the station's requirements for accuracy and objectivity. . . .

Several significant statements attributed to Mr. Thompson as quoting station executives require specific rebuttal:

¶Thompson was not told he was being discharged because of his "pollution reporting."

¶The news director did not tell Thompson the station would "continue to run stories but they would be a lot less specific." The long record of specific reporting by this station makes that statement a ludicrous lie.

¶Thompson said, "I got credit for blocking the dredging of Jacksonville harbor, for trying to keep an oil refinery from coming into town, and for stopping the Cross Florida Barge Canal. That is what management said, but none of it was true." He is right that none of it is true, and further, it was not said. . . .

¶Finally, Thompson says, "The stringer who broke the Carswell story has been taken off the payroll." This is an outright lie. The men who researched and wrote the Carswell story, George Thurston, chief of our Capital Bureau and Ed Roeder, a correspondent from Tallahassee, both continue on our payroll. . . .

James T. Lynch, Vice Pres. & Gen. Mgr., WJXT TV

Memphis, Tenn.

DEAR SIRS: I stand by what I wrote and *The Nation* published. Among others who are also satisfied with this version of events are the Federal Communications Commission, which has asked Thompson to be a hostile witness in hearings against WJXT, and the Columbia Broadcasting System —WJXT's parent network—which looked into the matter and hired Thompson for its news production staff. He went to work in New York as of Dec. 7. . . .

I am guilty of one misrepresentation. . . . The reporter who broke the Carswell story was removed from the retainer list and stripped of his carte blanche story privileges. Around the WJXT newsroom this was considered a reprimand, but I suppose it is true that he was not taken from the payroll since he is still paid on an item basis. This was my mistake; it was not "an outright lie."

As for Thompson's firing, the reason he was given was that he had stepped on every toe that could be stepped on and had outlived his usefulness to the station. Thompson and a friend persisted in asking for specifics and finally asked, "Well, was it for pollution reporting?" The response was, "Yeah, that's it."

Possibly the answer was intended as a good riddance rejoinder, but since Thompson had worked on pollution stories almost exclusively, I think anyone would draw the same conclusion even without an answer. I've reread the story and except for clearing up the Carswell-stringer status, nothing would change. *Charles Gillespie*

amends

Prof. Theodore J. Lowi has expressed his regret that he did not mention Prof. William Riker in his "Politics of Dead Center: The Artificial Majority" (Dec. 7). While Professor Lowi takes full responsibility for his particular use of the term, Artificial Majority, the notion itself was first stated by Professor Riker in his fine work, *Democracy in the United States* (Macmillan, 1953). THE EDITORS

EDITORIALS

The Stepped-Up War

American casualties in Indochina are down. As should be expected, President Nixon makes the most of this, and indeed the decline is politically useful to him for the present. But whether, in a longer perspective, it will have the result the President desires—to help insure his re-election—is doubtful. It may cheer those who want to get the United States out of the war and who measure progress—quite mistakenly—by current figures of Americans killed and wounded and Administration claims that Mr. Nixon, that great protagonist of peace with honor, is winding down the war even faster than was planned.

The fact is that he has enlarged the war, initially by his invasion of Cambodia, and is planning further enlargement by resort to renewed bombing of North Vietnam. At the same time, as everyone who knows the nature of this war foresaw, he will substitute American air power for American ground action, making it the principal element of the much touted policy of Vietnamization. All this has been plain from what might be called the Cambodianization of the war, the recent bombings of the North, and the Nixon-Laird threats to use intensified military power to force the Vietcong and the North Vietnamese into "meaningful" negotiations—i.e., American victory under the leadership of a determined American President.

At his recent press conference Mr. Nixon was asked under what circumstances we would again use ground troops in Cambodia. "None whatsoever," he replied. This terse assurance may have heartened some distressed doves, but by this time only the gullible take Mr. Nixon at his word. His promises, both before he took office and afterward, are worthless, even when they seem to embody firm commitments. He said American troops would be withdrawn from Cambodia by a stated date; that promise he made when the nation's campuses were in an uproar and it is one of the few he kept. He also said American air power would be withdrawn with the ground troops, and that commitment he casually violated. He can easily send American ground forces back into Cambodia with the explanation that the Vietcong and the North Vietnamese are endangering American troops in South Vietnam, and as Commander in Chief his overriding duty is to protect them. Cambodia and Laos have become the decisive theatres of the Indochinese War, and both the Pentagon and the enemy generals know it. So does the Senate Foreign Relations Committee, but it can do little to thwart Mr. Nixon's designs.

The committee sent two staff members, James Lowenstein and Richard Moose, to Cambodia. They returned with a report that was promptly classified. Since Senate Foreign Relations had originated the report, it could not be kept from its members, but the rest of the Senate had no access to it. The vote on aid to Cambodia was held in this atmosphere of ignorance and guesswork. "It's just another example of how the military are running things around here," Senator Fulbright remarked.

As usual, there was some leakage. It appears that no

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American advisers are in Cambodia at present—but our Special Forces are training tens of thousands of Cambodians in South Vietnam and Thailand. The United States is giving close air support to Cambodian and South Vietnamese ground operations in Cambodia. The North Vietnamese occupy about half of Cambodia; mainly the northern part, but they are capable of harassing operations in the vicinity of Phnompenh. There is no civil war in Cambodia now, but the shadow of Sihanouk hangs over the Lon Nol government.

The current Nixon policy involves intensive bombing raids on North Vietnam, stepped-up aid to the Cambodian Government, greater reliance on mercenaries, as much secrecy as possible, and using the POW issue as a means to steel Congressional and public opinion to approval of whatever the Administration chooses to do. The most forcible of these measures is the renewed bombing, but what makes Mr. Nixon think he will have more success with that weapon than did Mr. Johnson? When Mr. Johnson stopped bombing North Vietnam the aircraft were set to work on Laos. Militarily, the results have been dismal. There are still many uncertainties in radar bombing, and over Laotian terrain it is extremely imprecise. Villages are more easily located, and much of the bombing has concentrated on small population centers, usually on the plea that they might contain arms depots. Killing civilians, or driving them into refugee camps, is not much help in winning a war.

What it adds up to is that, while Mr. Nixon can step up the war, he has no assurance that he can win it by the methods he has been driven to use. He is renewing a gamble in which the odds, in the past, have not favored the American side. And the longer this is kept up, the more the people of all the Indochinese countries will hate us. The anti-American riots in Quinhon, South Vietnam, are a harbinger of further trouble for the Administration. "I think the root of the trouble," an American corporal said, "is that we don't want to be here and they don't want us here."

Mr. Nixon and the Press

The President's recent press conference—first in four months—will do little to improve his relations with the Washington press corps. Tension between Presidents and the press is an old story, but Mr. Nixon's intense dislike of the working press gives the relationship the quality of a personal feud or vendetta. His press conferences have been infrequent and, by and large, unrewarding. Naturally, the press is concerned. Twenty-eight correspondents met in Washington recently to consider what might be done to preserve and improve the press conference, which has by now become an important adjunct of government. But while changes of format may be needed, the present difficulties can be traced directly to Mr. Nixon's attitude.

The President would dispense with press conferences altogether if he thought he could make such a practice stick. In his Administration almost no distinction is made between public relations and communication. The President makes this clear. He prefers to speak directly to the people because it enables him to bypass the press. But the press is not a mere conveyor belt by which information

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is passed along. Part of its role—a major part—is to scrutinize what the President says and does. It is up to the press to point out omissions, inaccuracies, half-truths and misleading statements. True, the President says he is "open to suggestions" on how to improve the format of televised press conferences, but any format could be made to work if the President accepted the importance of the press conference, not merely to the public but to the discharge of his duties. He sees it as a nuisance to be endured, and calls as few as possible—which, despite his assurances, makes it increasingly difficult for the press to do its job.

Consider the December 10 conference. The President's rather long answer to the first question—about Vietnam—was of major importance. The entire conference might have been devoted to exploring the implications of this statement. But there was no follow-up. Over a period of four months many questions had accumulated and each correspondent was intensely eager to raise his pet query. Had there been more frequent press conferences, the President's lead statement might not have had the effect, which it seemed to have, of literally stunning the correspondents. Some good sharp questions were asked, but the President evaded the best of them (for example, No. 3, about J. Edgar Hoover) and brushed others aside by repeating what he had already said. To two questions—No. 9, troops for Cambodia, and No. 17, the Soviet role in the Caribbean—he gave unequivocal answers. But although some good questions were asked, the conference was disappointing.

Mr. Nixon obviously believes that, with unlimited access to TV, he can say as much or as little about any subject as he chooses. He believes that he can speak or not speak as, and when, he determines. He does not realize that press conferences, however unpleasant he may find them, are a means by which, in a sense, people communicate with the President. If he listened to the questions, if he held more frequent press conferences, he could learn much that he desperately needs to know. Given the enhanced power of the Presidency, the role of the press is today of critical importance. The need to hear directly from the President on issues which he alone can clarify is much greater today than ever before. The press senses the growing need and is eager to improve its performance by improving relations with the President. But the impasse with the President will remain as long as he denigrates, as he does, the role and function of the press. And on this issue the President is perhaps incorrigible. He does not want to meet the press, much less to level with it. He wants to manipulate it.

The Connally Appointment

If the appointment of former Gov. John Connally as Treasury Secretary were merely another example of the Nixon brand of political cunning—cadging those Texas electoral votes—it could be dismissed as more of the same. This, in fact, seems to be the editorial consensus. But to us the appointment recalls the role that Mr. Connally played as chief lobbyist for the natural gas legislation that culminated in a major scandal in 1956. The scandal broke when it was disclosed that an industry spokesman had tried to bribe Sen. Francis Case of South Dakota.

One person in Washington who certainly remembers Connally's lobbying role is Will Wilson who, having changed his registration from Democrat to Republican—a formality Mr. Connally has not bothered to observe—is now Assistant Attorney General in charge of the Division of Criminal Justice. In 1962, when Wilson and Connally were contesting the governorship of Texas, the former made a major issue of Connally's lobbying activities on behalf of the scandal-tainted natural gas legislation. The late Sid Richardson, the Texas oil-and-gas tycoon, was a client of Connally's law firm. It was Richardson who induced President Eisenhower to name another Texan, Robert Anderson, first as Secretary of the Navy and later as Secretary of the Treasury. And it was under Anderson's sponsorship that the present oil import quota system was initiated. To the Texas oil-and-gas tycoons it does not seem to matter much which party controls Congress or has its man in the White House. Nominally Democrats, they have fared as well or better under Republican Presidents.

Rep. Leggett Intervenes

In December 1969, the House passed unanimously Concurrent Resolution No. 454, calling for humane treatment of American prisoners of war held in North Vietnam. On December 7, 1970, just a year later, Rep. L. Mendel Rivers came up with House Resolution No. 1282, which echoed the sentiments voiced in the earlier resolution. But the new resolution went further and commended not merely the officers and men who took part in the Sontay raid of November 21 but the "official command" as well. It also expressed the feeling of the House that no further negotiations should proceed in Paris until there is "substantive progress on the prisoner-of-war issue." When the resolution was first presented in committee, Rep. Robert L. Leggett (D., Calif.) sought to raise certain objections. The chairman refused to hear him. Leggett then raised a point of order: the committee's rules allow each member "up to five minutes" on such an issue. Not so, the chairman said, the member has up to five minutes "at the discretion of the chairman." So Mr. Leggett was not heard.

When the resolution came to the floor, the Speaker asked if a second was demanded, and Leggett demanded it, thus opening the way for debate. Criticism of the resolution, voiced by Rep. William Fitts Ryan (D., N.Y.), Rep. Robert Kastenmeier (D., Wis.), and Rep. Jonathan Bingham (D., N.Y.), as well as Leggett, went, briefly, as follows: By commending the type of action that the Pentagon had mounted at Sontay, the resolution could be construed as giving blanket Congressional approval to similar actions in the future. Mr. Leggett noted that Gen. Leroy J. Manor, who led the raid, was quoted in the *Los Angeles Times* as saying that he would recommend more raids of the sort. When asked whether such operations could include landing a division or army-sized expeditionary force in North Vietnam, General Manor said yes. Citing this as an example, Leggett said: "There are lots of people floating around the Pentagon who think this kind of activity is really great, and there are many people who are not prepared to wind the war down."

After much more had been said pro and con, Mr.

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Rivers changed the wording of the resolution to read: ". . . no permanent agreement should be entered into" instead of "no other negotiations should proceed." While the change eliminated the most objectionable feature of the resolution, the critics continued to warn their colleagues that commendation of the "official command" that had planned the raid implied approval in advance of similar or more dangerous operations in the future.

Despite these objections, the matter was finally forced to a vote and carried 387 to 15. But at least the length and acrimony of the debate gave notice to the Pentagon and the White House that strong Congressional reaction could be expected in the event of rash moves. It also indicates that some members of Congress are becoming wary of seemingly innocent resolutions that contain provisions which imply approval of undisclosed future actions on the part of the military. It was also refreshing to find at least one member of the Armed Services Committee who is prepared to challenge the arbitrary actions of the chairman. Mr. Leggett and those of his colleagues who associated themselves with him performed a real public service in forcing a debate on HR 1282.

The Old Elephants Depart

The waning days of the first lame duck Congress session in twenty-two years provide an appropriate time to apply an effective test to Mr. Nixon's claim that he and Vice President Agnew won a victory at the midterm polls.

This test is to call the roll on the dozen Republican United States Representatives who gave up their seats in the House to run for the Senate—many of them at the President's personal urging, not to say arm twisting. Call the roll and see how many will be back on Capitol Hill when the new 92nd Congress assembles.

First let us account for the winners. In Connecticut, Rep. Lowell P. Weicker (4th District) won when two Democrats, one of them Sen. Thomas Dodd who ran as an independent, split the majority of the vote and allowed a minority election. In Delaware, Rep.-at-Large William V. Roth moved to the seat vacated voluntarily by Republican Sen. John J. Williams. In Maryland, Rep. J. Glenn Beall, Jr. (6th District), won over Democratic Sen. Joseph D. Tydings; in Tennessee, Rep. William E. Brock (3rd District) defeated Democratic Sen. Albert Gore. And in Ohio, Rep. Robert Taft (1st District), after having lost a 1964 Senate race, made it the second time around when Sen. Stephen M. Young did not run for a third term.

So five Republican House members move over to the Senate in January. But seven failed in their Senate campaigns and they include several with advanced seniority and major committee assignments. Here they are:

Rep. William C. Cramer of Florida (8th District), whose election in 1954 gave his state its first Republican Congressman since 1875; ranking Republican on the important Public Works Committee. Rep. Richard L. Roudebush of Indiana (5th District), whose start of House service goes back ten years; high-ranking Republican on the Committee on Science and Astronautics. Rep. Clark MacGregor of Minnesota (3rd District), another ten-year veteran; fourth among fourteen Republicans on the Judiciary Committee. Rep. Laurence J. Burton of Utah (1st District), eight years in the House; member of its Committee on Interior and Insular Affairs and Small Business. Rep George H. Bush of Texas (7th District), elected first in 1966 and re-elected without opposition in 1968; member of the all-important Ways and Means Committee and chairman of the Republican Task Force on Earth Resources and Population Control. Rep. Thomas S. Kleppe of North Dakota (2nd District), also elected in 1966 and re-elected in 1968; member of the Agriculture Committee and the House Republican Policy Committee. Rep. John S. Wold of Wyoming (at large), elected in 1968; member of the Interior and Insular Affairs Committee.

So the next House will not only have fewer Republicans as a result of the November balloting; it will lack also these particular seven Republicans who had substantial degrees of experience and seniority reaching back, in the case of Florida's Cramer, sixteen years.

Take away as well the five well-established House Republicans who now become fledgling Senators, and it is clear that Republican power in the new House will be much weaker than in the 91st Congress.

IRVING DILLIARD

Senator Javits Reflects

Down the years Senator Javits has shown an uncanny ability to spot a political danger before his colleagues are aware of it. From the outset he has warned New York Republicans against Conservative Party infiltrators. He has also had his own experiences with the Conservatives, having defeated James L. Buckley in 1968. In the past, Governor Rockefeller shared Javits' insistence that the Conservatives should run their own show, but this year he felt that a tacit understanding with Buckley, the Conservative Senatorial nominee, was essential for his own re-election. Actually the Governor would have won re-election handily without it.

Against this background, Senator Javits is now weighing the pros and cons of Senator-elect Buckley's bid to join the Republican caucus. It is not a question of rivalry; Buckley presents no threat to Javits. But the acceptance of Buckley might well invite similar challenges to liberal Republicans. In a three-way race against two liberals running for the same office, a third-party "Conservative" challenger certainly incurs little risk if he can look forward to being admitted to the Republican caucus should he win. Javits thinks that such challenges should be fought out in primary elections. He has not yet decided to oppose Buckley's bid for acceptance, but he does intend to discuss it with the Republican leadership.

Liberal Republicans up for re-election in 1972, such as Senators Hatfield, Brooke, Percy and Case, have been reassured by the President's pledge to support all the GOP nominees. He has also specifically rejected the suggestion that he might attempt to purge other party liberals as he initiated the purge of Goodell. But this pledge cost him little; the Conservative Party is a New York State product and New York will not be electing a Senator two years hence. Since Nixon will need all the support he can

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muster in 1972, it is unlikely that he will actively encourage any further purges of liberal Republicans. But there are those in other states who might be tempted to encourage such efforts. Already other Senators are beginning to share Senator Javits' uneasiness about the consequences of rewarding Buckley for the defeat of a Republican Senator.

And since the election, an increasing number of New York Republicans—including, it is said, the Governor—have come to share this uneasiness. In fact both the Democratic and Republican leaders in Albany now feel that the election laws should be changed in order to checkmate the power plays which the Conservative and Liberal Parties have learned how to execute. It has also been suggested that the two major parties might amend their bylaws so as to deny their nominations to the nominees of a third or a fourth party. This would not require legislative action. One way or another, the minor parties are likely to find it less easy in the future than it has been in the past to exploit divisions in the major parties.

JAPAN, CHINA, USA

THE THREE-POWER GAMBLE

ALBERT AXELBANK and KOJI NAKAMURA

Mr. Axelbank has contributed to leading magazines and newspapers in Japan, Europe and America. His Soul of Gobi *is the product of a recent visit to the Mongolian People's Republic. Mr. Nakamura is correspondent for* Far Eastern Economic Review. *Formerly he was chief correspondent in Cairo, Melbourne and Manila for* The Mainichi, *one the world's largest newspapers. He was also vice president and editor of the independent* Tokyo Observer.

Tokyo

When President Richard Nixon and Japanese Prime Minister Eisaku Sato met in Washington last October, they bolted the doors behind them and engaged in some old-fashioned "secret diplomacy." Long-time cronies, each then pledged allegiance to nonrecognition of the People's Republic of China while he remains in power.

Recognition of China would lead to unlocking the shackles that have so far confined the Chinese giant, and allowed Japan and the United States to operate virtually undisturbed in an area that is historically, ethnically, economically and politically akin to China. Thus the trans-Pacific agreement is important to the maintenance of these economic superpowers. In essence, it means each is sworn to uphold the *status quo* in Asia. It means a gamble that a Tokyo-Washington alliance, based partly on Sino-Soviet petulance, can chaperone Japanese-American capitalism, more or less intact, into the 21st century.

In order to "win" this three-way international bet, the United States must hold Japan and China apart; and Japan must keep itself and the United States aloof from China. Together, Japan and China could become mightier than Uncle Sam himself; and, together, the United States and China could obscure Japan. Therefore, Washington, allied with the anti-Communist leadership of Tokyo, sees the need to "educate" the Japanese public about the impieties of Maoism. In this, China is accommodating. It frowns on egotism, sexual indulgence and artistic license, and such prudery displeases Japan's sensualist society.

The tactic essential to "making the world safe" for the hybrid of Japanese-American democracy is synchronized diplomacy, and that is where the Sato-Nixon pledges come in. For a long time before these vows were exchanged, there was panic in the Tokyo government that the United States might suddenly and unilaterally recognize Peking. It was put succinctly by ex-Ambassador to the United States Koichiro Asakai, who stated that he had had nightmares about receiving a telephone call in the early morning hours from the State Department, saying: "This is to inform you that the United States has just recognized Peking."

After Sato met Nixon these fears suddenly vanished and Japanese breathing returned to normal. Deputy Chief Cabinet Secretary Toshio Kimura, who accompanied Sato to Washington, could then say: "I am firmly convinced, in light of new U.S.-Japanese cooperative relations in Asia, that such a situation as that 'the U.S. and China will have restored diplomatic ties when we wake up in the morning' will not occur." Kimura also—unwittingly perhaps—let the cat out of the bag when he added: "The form of direct recognition of China will not arise."

There was more. The senior Japanese diplomat and until recently Ambassador to the United States, Takezo Shimoda, said several weeks ago: "There is not one point to be worried about as to political issues between Japan and the United States at present." And, as if to show off the new solidity of joint U.S.-Japanese relations, Foreign Minister Kiichi Aichi said in November: "If you read carefully, you see that what Americans say on the essential points is exactly the same as what we say."

Other nations, meanwhile, found it practicable and necessary to recognize China's existence, Peking exchanging documents with Canada on October 13 and Italy on November 6. Japan and the United States are thus left as the two holdouts among nations of consequence. (The German Federal Republic is, after all, a special case; but even it is "thinking" about diplomatic ties with China.)

Taiwan, of course, contributes a good deal to the perplexity of the Nixon-Sato China policy. What happens in the United Nations is a symptom of the problem. In the early 1960s the writing on the wall became visible when the then Prime Minister, Hayato Ikeda, wondered aloud if Taiwan were a "Chinese island." Thus, although both Taipei and Peking agree that Taiwan is part of China, it began to be clear that some behind-the-scenes attempts were being made to de-Sinofy the island. The

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awkward thing about Japan's part in this move is that it is not a detached observer. Japan had colonized Taiwan for fifty years before the close of World War II. But if Tokyo's rule was harsh, it was meticulous. The local Taiwan population appears today to favor Japan more than its own government, with its supernumerary bureaucracy set up "to control the mainland." In Japan, officials are privately exuberant.

Although not a single Japanese soldier guards the island today, Japan nevertheless controls Taiwan's economy as if several of its divisions were installed there. Japanese investments and loans in Taiwan, plus joint ventures, total more than $200 million. And this is in addition to trade relations that lopsidedly favor Japan. Taiwan's population is less than Tokyo's.

On the other hand, Japanese Foreign Ministry officials do not conceal their conviction that mainland China "needs economic interchange from Japan more than Japan needs China." In 1969, Japan was China's largest trading partner, with commodity exchanges exceeding $600 million. This accounted for 16 per cent of total Chinese trade but for less than 5 per cent of Japanese foreign trade. In 1970, this trade will doubtless pass the $800 million level and account for more than 20 per cent of Peking's external trade. The rise has occurred despite Japan's unwillingness to grant China a single long-term credit or loan. While Japan's trade with Taiwan was slightly more in 1969 than its business with the mainland, the potential of the latter is obviously incomparably bigger.

With or without Japanese recognition, and with or without the "Four Principles" which Premier Chou En-lai laid down as guidelines for Tokyo-Peking trade (among other points, Japanese firms with heavy investments in Taiwan and South Korea would be barred from trading with Peking), Foreign Ministry officials and business firms believe that trade with Peking will sooner or later far outgrow that with Taiwan.

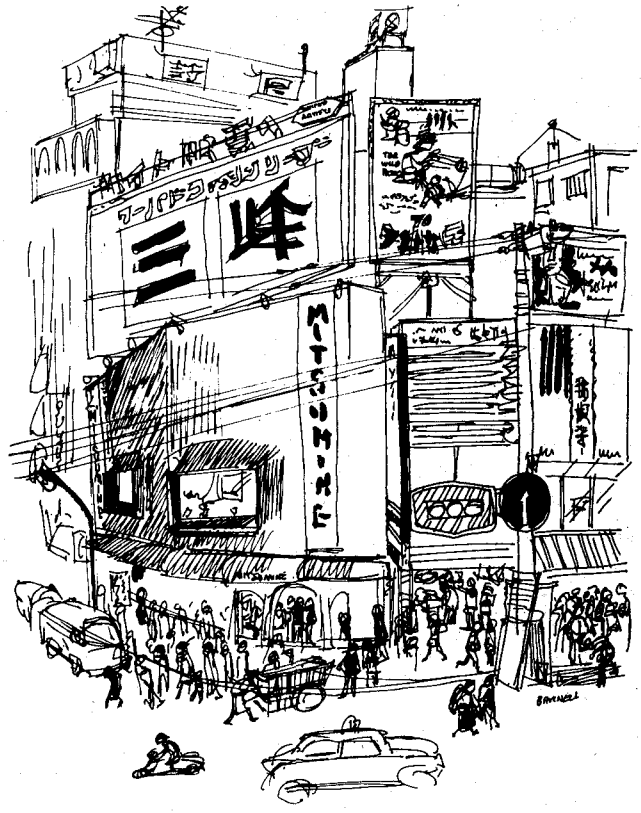
Rather than a "two Chinas" theory, it seems the Japanese Government has committed itself to a "one China, one Taiwan" formula which is actually more repugnant to both of the two regimes concerned. Japan appears to have taken this position both out of loyalty to its monolithic relations with Washington and according to its own national interests. Indeed, the two are probably inseparable, since Japanese loyalty to U.S. Asian policy—to which Japan's China policy is an adjunct—really stems from its own national interests. Japan considers China a serious contender for regional, if not world leadership, and believes that nothing serves its interests better than isolation of the rival. Any means that can keep Peking ostracized from the international community may be said to serve Tokyo's interests. At the same time, pursuit of such a policy is possible only as long as Japan remains identified with Washington which, now more than ever, has shown wariness of Tokyo's increasing economic influence in Asia. Perhaps U.S. futurologist, Dr. Herman Kahn, was voicing official fears when he said in Tokyo a few weeks ago that America must act as a "counterpoise" to future Japanese influence in the Orient.

Tokyo understands perfectly that no "independent line" Japan might seek in Asia would cause greater wrath in Washington than a *rapprochement* with China. Tokyo knows Washington cannot tolerate deterioration in its basic Asian policy, built on the assumption of foreign policy identification between the two capitals.

The Japanese people, when they think about China—which is not too often—wish to establish normal ties with Peking. Thus 80 to 90 per cent of the population favors recognition of China, say the opinion polls. But another ingenious question is invariably put by the pollsters: "Do you wish to see Japan break off relations with Nationalist China and Gen. Chiang Kai-shek, with whom Japan has had good relations for more than twenty years?" An equal percentage answers no. Repeatedly, Tokyo offers its official gratitude to the Generalissimo for "waiving" reparations when Japan signed a "peace treaty" with Taiwan rather than with Peking. Japan was thereby "relieved" of paying reparations for the iniquities of its troops in China, and the postwar record of not paying out a cent to Marxist-Leninist regimes in Asia was maintained. John Foster Dulles had a hand in this manipulation.

Strange as it may seem, China today has a greater "fear complex" toward Japan than toward the United States. America's military presence in Asia appears less a "menace" to China than "Japanese militarism." Indeed, Japan figures twice in Peking's list of "the four enemies." These are: Japanese militarism, the Japanese Communist Party, U.S. imperialism, and Soviet revisionism.

Because the Japanese Communist Party sides with Moscow, Chou En-lai recently delivered it a stiff rebuke, saying that Japan's rightists hated and feared the Socialist Party more than the Communist Party. Chou noted that a



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right-wing assassin killed Inejiro Asanuma, chairman of the Socialist Party, in 1960, instead of the JCP chairman, Sanzo Nozaka, or Secretary-General Kenji Miyamoto. The Socialists still suffer today from the loss of their popular leader.

The Chinese anxiety toward Japan seems to rise from two sources: historical fear of militarism, and fear of economic domination of Asia. The history of Sino-Japanese relations since the inception of modern Japan some 100 years ago is one of conflict and struggle. The Chinese cannot forget Japanese brutality and aggression. With such memories and apprehensions, China has reason to fear a Japan allied to the United States, whose military presence in Asia is primarily directed against China. And while a militarized Japan alone is enough of a threat to Chinese security, a militarized Japan, operating as a "Western Pacific branch" of the Pentagon, is seen as doubly menacing. Not only in Chinese but in many other Asian and Western minds, the rapid overseas expansion of the Japanese economy, coupled with the domestic growth of militarism—including buildup of the Self-Defense Forces, fostering of "defense consciousness," and the rapid decline of Japan's "nuclear phobia"—represent two sides of the same coin. China evidently feels that Japan is the major economic competition in Southeast Asia, where the millions of Chinese merchants who hold hegemony in local economies could be mobilized into a formidable counterforce against Japanese economic leadership. (There is a tug of war between Taipei and Peking for the allegiance of the "overseas Chinese" merchants.)

Nothing more confirms the Chinese fear of Japanese militarism than an "authoritative" American policy maker's statement that the American military presence in Japan is designed "to prevent Japan from turning Communist or returning to militarism." The official was quoted last August as saying that Japan might undergo a "resurgence of militarism" if it thought the United States would withdraw from Asia, and that if Japan were convinced that communism was to become a more dominant force in Asia, its political orientation could shift as dramatically as it has done twice already in this century. In the latter case, Washington is worried for the first time in the postwar era that growth of militarism in Nippon could be directed overtly against America. These were considered sufficiently compelling reasons for the United States to remain a strong Pacific power.

It is necessary, then, to let the Japanese continue to be "sheltered" by the U.S. presence and not to risk Japan's embarking on another solo adventure. However, such an intention to "police" Japan is liable to defeat its own purpose. The continuing American military presence in Japan—a quarter of a century after the war's end—on the basis that the U.S.-Japan Security Treaty is designed to "prevent Japan from turning Communist or returning to militarism," is more apt to foment than to deter nationalistic resistance against the United States.

This view was endorsed by Sen. Stuart Symington who, questioning the utility of the Washington-Tokyo security arrangement at the closed Senate subcommittee hearing last January, was quoted as saying: "The Japanese are a people of great pride. . . . I do not see why the Japanese are not getting fed up with our being there. Nor do I see why it is necessary for us to stay there."

It is precisely this "great pride"—a euphemism for nationalism—that makes both the United States and China apprehensive. It is a problem as much for Japan as it must be for other countries. For indications that militarism is on the rise are abundant at every level of Japan's essentially feudalistic society, with its disconcerting residue of native absolutism. There is a growing preference for an "independent" defense structure, for tightening "internal security" measures against liberals and anti-war movements; and, not surprisingly, the number of rightist organizations steadily increases (120,000 members with some 400 organizations in 1970).

Such a swing to the right is currently sustained largely by anti-communism, but pro-Americanism has substantially receded in recent years in favor of "more independence" from the American embrace. *Asahi* (the biggest newspaper in Japan) recently quoted the leading rightist figure, Yoshio Kodama, as declaring that he would assassinate or cause to be assassinated Prime Minister Eisaku Sato if he felt that was "good for the country." Kodama, who played an important off-stage role as a supplier of money to finance political and military machinations in China during the war, is once again a top rightist leader deeply aligned with the nation's political and economic Establishment.

Not a few Japanese and foreigners view the sensational and barbaric suicide of Japan's internationally known writer, Yukio Mishima, on November 25 as perhaps the most glaring proof of the rise of militarism in Japan. Mishima, dressed in his Nazi-style uniform, was rebuffed by the Self-Defense Forces who failed to rally immediately to his challenge to "rise for the glory of the Emperor and our Fatherland." He then committed ritual harakiri with a disciple standing by to decapitate him.

Peking, once burned by Japanese militarism and twice shy, bitterly assailed Mishima as an "agent of reaction and militarism," even though Mishima's act appeared to be not a cause but a result of Japan's neo-militarism. Japanese militarism, to date, is essentially a state of mind rather than a state of armed strength. The Japanese tend to dismiss foreign allegations of Japanese militarism by pointing to their modest physical armament, and fail to appreciate that the foreign charge is directed primarily at the "state of mind." It is much the same as with colonial powers who fail to appreciate a charge of colonialism that is directed primarily against the attitude rather than at the geographical extent of colonies held.

When Prime Minister Sato, on assuming office in late 1964, announced that he would give priority to China in the foreign policy operations of his government, Peking applauded him as a possible "Japanese de Gaulle." But now Peking regards the Sato government as more reactionary than any previous postwar government, and even more so than Washington. Peking's distrust of Sato is reciprocated by Sato's equal distaste for Chairman Mao Tse-tung and his regime.

China's trust of and respect for Sato evaporated only two weeks after he became Prime Minister, when his government rejected the entry into Japan of Peng Chen—then

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Peking's Mayor—who was waiting in Hong Kong for a visa to attend a Japanese Communist Party convention in Tokyo. As if it had been coordinated, at that moment a U.S. nuclear submarine entered the Japanese port of Sasebo for the first time. From that day, Japanese relations with Peking, which had reached an amicable stage short of diplomatic recognition—especially in economic affairs—began to plummet. As if to tweak the Chinese goatee, Sato even made a "good-will" trip to Taiwan, becoming the first Japanese postwar Prime Minister to please Uncle Sam, who likes occasionally to dress in a Chinese Mandarin coat. □

BIG BROTHER PENTAGON

KEEPING TABS ON CIVILIANS

JARED STOUT
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Washington

Over the years, the Presidential nominating convention has become the accepted public forum in which men are chosen to contest the right to govern. The selection is so evidently civilian business that it should obviously be "off limits" to the military. In 1968, it wasn't.

Plainclothes military intelligence agents played a questionable and still secret surveillance role at both Democratic and Republican National Conventions. At minimum, their presence dangerously blurred the historic principle that separates the military from civilian politics. Investigation of the Pentagon's little known but extensive watch on civilian dissidents has determined:

¶Elements of the top-secret Army Security Agency (ASA), normally assigned to national security work and the electronic surveillance of foreign countries, were sent to Chicago for duty during the tumultuous Democratic convention. ASA men reportedly eavesdropped on protesters and politicians, and at one point intercepted a message from Sen. Eugene J. McCarthy (D., Minn.), offering medical aid for injured protesters.

¶Agents of Army, Navy and Air Force intelligence units were stationed among unsuspecting delegates on the floors of the Democratic and GOP conventions. Their mission was to help the Secret Service guard Presidential candidates, but former Atty. Gen. Ramsey Clark termed "very unwise" this use of military agents so close to the politically sensitive discussions surrounding selection of a candidate. One agent was the personal observer in Chicago for Maj. Gen. Joseph A. McChristian, Army Assistant Chief of Staff for Intelligence.

¶Convention leaders and such party officials as the then national chairmen, Democrat John M. Bailey and Republican Ray C. Bliss, were never told that military agents were on the floor. A Bailey aide and key convention planner, John Meek, said: "If it had been brought up to me, I would have opposed their use on the floor." Nor were any of these officials told either about the extent and purpose of the ASA's electronic surveillance activities.

¶Although the Secret Service denied that military agents had orders to spy, each intelligence unit filed a detailed report after the convention. Former intelligence analysts said the reports included the identities of persons deemed worthy of future watching.

In sum, the situation challenged what Sen. Sam J. Ervin (D., N.C.) recently posed as an absolute of the nation's laws and history: "There is no place in our society for the military to keep watch on civilians." And in the case of the ASA activity, the situation was the more alarming because no one seems to know who sent its agents into Chicago.

Ramsey Clark, Joseph A. Califano, who was a top aide to President Johnson in 1968, and Clark M. Clifford, Secretary of Defense at that time, have all said that they knew of no orders deploying the ASA in Chicago. President Johnson had declined to be interviewed and referred all questions to the Secret Service, which borrows army surveillance experts from time to time. But Secret Service spokesman John W. Warner said, "the ASA didn't assist us" in Chicago.

Robert E. Jordan III, the Army's general counsel since 1967, has also stated that he can recall no orders for the ASA to be present at the Democratic convention, and added that a Pentagon inquiry into its mission there was under way. He would neither confirm nor deny reports that the ASA had eavesdropped on protesters or political figures.

The ASA's assignment in Chicago was detailed first by Ronald E. Weber, who was a visual aids clerk in the ASA's Arlington, Va., headquarters until he deserted to Canada in September 1969. No similarly informed person has come forward from the GOP convention, which is why knowledge of military activity there is less specific. The unit's presence at the Democratic convention was confirmed by one of Weber's ASA supervisors and by a former Secret Service agent, both of whom decline to be identified.

According to Weber, the ASA was deployed a week before the convention opened on August 26, 1968. It set up units in storefronts and panel trucks to monitor short-wave radio bands, police and other radio frequencies and "certain telephone communications." The men were drawn, said Weber, from a Texas-based ASA reconnaissance company.

What the ASA men heard was reported back to Washington in teletype messages received in the ASA war room where Weber and the agency's apparatus were on twenty-four-hour alert. The messages were classified and sent on

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to the Pentagon, Weber said, where they remain beyond public scrutiny. Senator McCarthy, whose message to the protesters was intercepted, has said he was unaware of any eavesdropping, either during his campaign or in his Conrad Hilton headquarters at Chicago. "We just sort of assumed it was going on," the Senator said. "The only 'bug' we ever found was in my home in 1964 [when he was a Vice Presidential possibility]. And we never found out whose it was."

Weber, whose job involved preparing charts and maps for classified ASA briefings to generals, did not know what army need was filled by the messages from Chicago. He said the information they contained was not sent back to the federal or National Guard troops who were on riot alert outside the city, and who might have been the logical recipients of reports on the violence.

Official refusals to discuss details of the ASA mission, along with the classification and retention of the data at the Pentagon, have heightened the mystery of just what the unit was doing there. On the face of it, the ASA presence goes against at least two policies of the Johnson administration.

In 1968, Ramsey Clark's approval was required for any federal use of electronic surveillance, and the former attorney general said he gave no such permission with respect to Chicago. "There were repeated requests from the FBI before the [Democratic] convention," he recalled recently. "But they were just as repeatedly turned down." He said that no other agency had sought permission and that no cases of unauthorized surveillance were brought to his attention after the convention.

In addition, according to Califano, White House approval was required at that time before "even a jeep was moved into a city, let alone a large group of communications people." He recalled no authority for the ASA move, and, like other officials including former Defense Secretary Clifford, thought that surveillance of civilians was a job for the FBI.

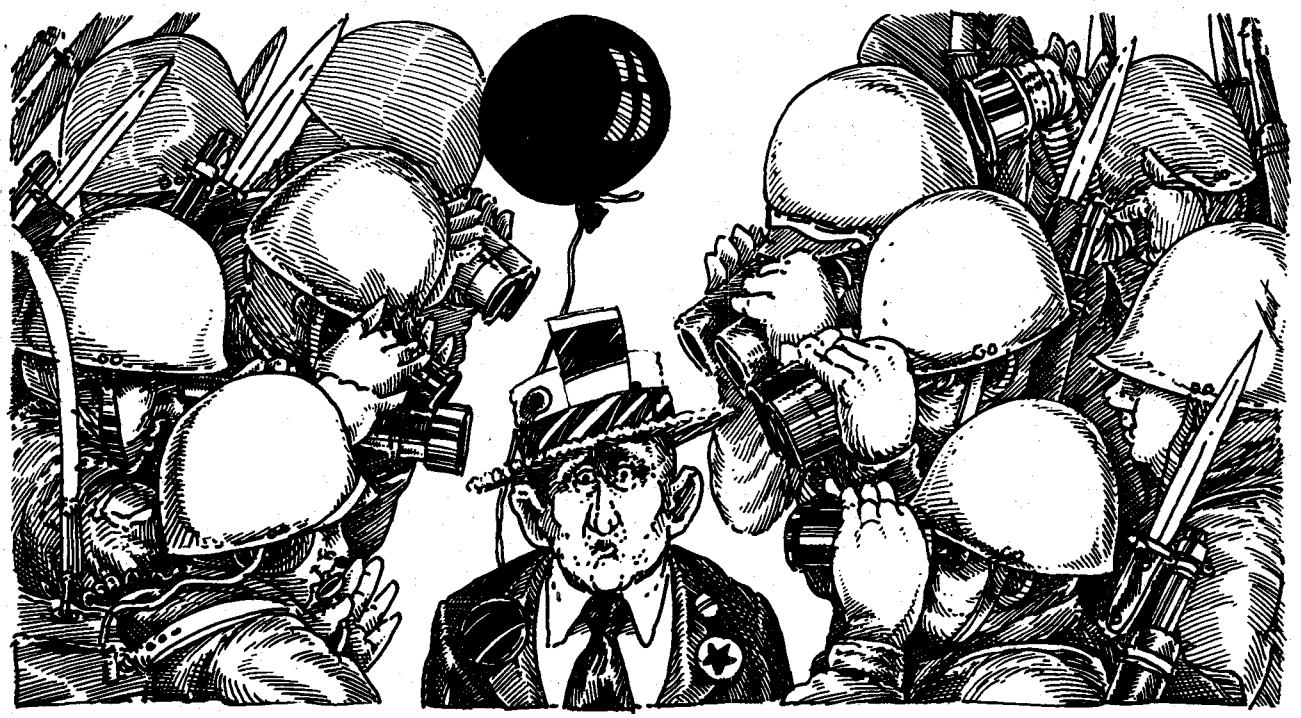
Indeed, a 1949 agreement between the Defense Department and the FBI had assigned to the latter exclusive jurisdiction in the surveillance of civilians, except in a limited range of cases involving direct danger to military installations. Threats of sabotage or espionage against such installations permit use of military agents to watch civilians believed to be planning the crimes.

There were extravagant advance threats of disruptive behavior by radicals in Chicago and, to a lesser extent, in Miami Beach. But neither convention site was a military post and the use of military agents outlined by Weber seemed to violate the 1949 agreement, which is codified in Army Regulations as AR 381-115.

This has left the strong impression that the ASA moved into Chicago in violation of then existing Johnson administration policies, and suggests that the use of military agents to watch civilians outside the conventions was, at best, poorly based in law. One explanation for official sensitivity on the episode is the already documented, extraordinary use of military agents to keep track of citizens, engaging in otherwise legal protest, away from military posts. The Army, for example, used 1,000 agents beginning in 1965 to watch civilian dissenters and never informed its civilian bosses.

Former Secretary Clifford and Army counsel Jordan are among those who have said that they didn't know of the program or of parallel efforts by Air Force and Navy intelligence. In fact, Jordan said he was misled by a uniformed subordinate when he tried to investigate one element of the army program last January.

According to Jordan, the then Commanding General of Army Intelligence denied the existence of computerized data banks containing the names of dissenters watched



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by army agents. The banks included names of former high-ranking military officers and elected officials who opposed the war in Vietnam. [See "Snooping on the Home Front," by Joseph Hanlon, *The Nation,* October 5.] "I don't think he lied to me," Jordan said of the general, whom he did not identify. "I don't think he knew about them." Jordan explained that he was obliged to make a personal visit to Intelligence Command headquarters at Fort Holabird, Md., to find the data and that he then had to demand a copy of the computer printouts to determine their nature.

There were two lists, according to Jordan. One was of the incidents watched by military agents or members of civilian agencies. The other was an alphabetical file of the names of those who had been identified with incidents, many of them peaceful, lawful demonstrations.

Jordan conceded none of the material was authorized for collection by any directive to the Army from its civilian bosses. It was based on the Army's own determination of who and what should be watched, he said, noting that it had never been subject to review. Jordan subsequently issued orders to stop the collection process. He also ordered the Holabird files destroyed, along with similar data he found later in inquiries at Fort Monroe, Va., headquarters of the Continental Army Command, and at Fort Hood, Tex., a staging area for troops detailed for duty in civil disorders.

"We never imagined the Army would go out and begin collecting information on civilians," Jordan said, expressing a view he shares with former Army Under Secretary David E. McGiffert. The two men assumed that army intelligence needs would be limited to information needed to move, quarter and control troops called to a disorder in a city they'd never seen. Beyond that, Jordan and McGiffert assumed that intelligence on individuals or tensions in a city would be drawn from the civilian agencies charged with gathering and assessing such material, principally the Justice Department and the FBI. "In retrospect, we may have been derelict," Jordan said.

Whether the ASA presence in Chicago and the military agents on the floors of both conventions had also escaped Jordan's attention, he wouldn't say. He declined comment pending the outcome of an inquiry into the affair.

By contrast with the Army's apparent policy violations, there does exist Congressional authority for the Secret Service to borrow military manpower to help protect candidates. It was given the day Sen. Robert F. Kennedy died, June 6, 1968, a day when no man wanted to stint on protection. Therefore, both houses, by unanimous vote, gave the Secret Service sole authority to decide what constitutes "protection" for a President or candidate, and to borrow from any executive agency, including the military, to do the job. In retrospect, the mandate seems very like a domestic version of the Tonkin Gulf Resolution.

The recorded debate centered on the need for increased physical protection and gave little hint that the lawmakers realized their votes would mean a quantum jump in domestic intelligence operations, or result in the use of military agents within political conventions.

The debate did not mention the need for the computerized dossiers which the Secret Service has developed on individuals thought to be threats to President or candidate. Nor did it look into a "no-questions-asked" policy that fills the dossiers with information unchallenged as to source or accuracy, except that it comes from law-enforcement agencies at every level of government.

No mention was made of the need to "borrow" army electronic surveillance experts to protect Presidents or candidates from the eavesdropping of others, a process that can lead to the protectors listening in on the protected, to make sure that no one else is on the line.

The lawmakers also did not know at the time that the military had already begun its civilian surveillance programs and had been sharing the fruits of its work with the Secret Service for at least four years, and with the FBI for yet longer.

Thus what was intended as protection in 1968 emerges in 1970 as legislation that added momentum to the development of a nationwide intelligence system which now gives government an unparalled capacity to watch, record and file what its subjects are doing and saying.

But is there reason for concern? The evidence suggests there is when the Army, unknown to its civilian leaders, develops a nationwide intelligence system without authority and directs it at persons engaged in lawful protest. And the concern lingers because the apparatus still exists, even though for the moment its operations have been curtailed.

There is cause for concern also when computers are added to the capacity of intelligence gatherers at federal or state level and none of the systems offers the individual any right to know that he is a dossier entry, to check the facts listed, or to have them removed if they are incorrect.

More important, there is reason for outrage when the systems continue to develop without full and public debate on the floor of Congress and of every state legislature on the need for intelligence. This neglect delegates to the investigators the right to determine who shall be watched.

No one disputes the government's responsibility to promote and protect public order and freedom; but it is just as basic a governmental responsibility to see that citizens are not protected right out of their freedom, either by accident or design.

How that ought to be done in an era of swift social change marked by fear and violence should be a matter for major debate. It certainly is not the province of government agents to decide among themselves which persons or views are a threat to internal security. And it certainly is not the business solely of the Executive which, under President Nixon, claims the right, unchecked by even the Constitution, to watch anyone deemed by the Justice Department to be a threat. Like war, the issue cannot be left to generals and gumshoes alone.

But the issue surely demands the attention of legislators at every level. They should begin at once to follow the example of Sen. Sam J. Ervin of North Carolina, and set hearings to determine whether Americans want anyone looking over their shoulders; and if so, who. □

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THE GRAY WOMAN OF APPALACHIA

HARRIETTE SIMPSON ARNOW
Mrs. Arnow, born in Wayne County, Kentucky, is the author of The Dollmaker *(Macmillan), along with other novels and two social histories of the Cumberland pioneers.*

The region now known as Southern Appalachia was once rich in natural resources. Most of the land was covered with dark, fertile soil, much of it thin, but still able to support an enormous stand of timber, chiefly hardwoods. Still greater wealth lay in minerals, especially oil and coal.

Yet by mid-20th century, when most of the United States was enjoying a boom, parts of Appalachia were wastelands: oil gone, timber gone, soil washed away, farmers gone or near starvation. Much of Appalachia was prospering—and still is—but in spite of constant and heavy migration, the percentage of those on the dole at home was much higher than in the rest of the nation. For the region as a whole, median income, years spent in school, and employment were all below national averages.

Unemployment in the coal fields degenerated to disaster proportions when, in the early 1960s, strip and auger mining became the chief methods. Highly mechanized, these are the cheapest means yet found to mine coal. But they use few men, and these mostly truckers and manipulators of heavy machinery, and have no use for the many pit and drift miners who live in the coal country. The general wretchedness of once thriving mining communities, especially in eastern Kentucky and West Virginia, brought passage, after long debates, of the Appalachian Redevelopment Act of 1965. A territory of around 160,000 square miles, containing about 15 million people living in 320 counties that comprise the mountains and lowlands of nine different states and one whole state, West Virginia, was designated as an underdeveloped area to receive extra federal aid.

Passage of the bill after years of discussion was something of a tragedy. The Act gave false hope to many who needed help most; at the same time, the general public got the idea that Appalachia's most pressing problems would soon be solved. Five years later, most of these problems remain.

The reasoning of the lawmakers who eventually passed the bill was that Appalachia ought not to get too much preferential treatment. Other sections of the country, as their Congressmen were quick to point out, also had special needs. Furthermore, by no means all of Appalachia was suffering. Thus it was decided that most of the extra federal funds earmarked for the region should go to programs that would help the nation as a whole. Throughways, it was felt, would encourage tourists and industry to come to Appalachia, and at the same time be of great help to overland travelers and truckers. The percentage of state money required for these roads is smaller than for states outside the region. Still, it comes to a good deal and could have benefited more people in Appalachia had it been spent on state and county roads.

The great throughways, only extensions of those already built, do not come near most rural and small-town Appalachians. The roads of eastern Kentucky, for example, have long been infamous, yet the two new throughways that cross at Lexington only skirt the northern and western edges of the coal fields.

Traveling the only east-west road into the heart of the coal country, one soon realizes that, whatever improvements have been made by the Redevelopment Act, Kentucky 80 is not one of them. Leaving Pulaski County, the road soon collapses into a twisting, narrow-shouldered, cracked and worn thread into and out of narrow, smoke-filled valleys. The coal country has been reached, and business is good. Such is the demand for electricity that coal-fed, steam-powered generators are at full burn.

The signs of prosperity along the highway are the roaring, oversize coal trucks, now and then a shiny car and, newest of all, the clawed-out earth, rock and trees from active strip mines. Everything else is old, worn out, cast off, a smoke- and coal-dust-wreathed landscape of weed-grown railroad tracks, derelict tipples, mud and weed-choked streams strewn with debris, including abandoned cars. Often looming above the road are sliding mountains of slack and other mine refuse, on which no plant will risk its life. Here and there in rows along the hillsides, the miners' little houses, many of them knocked up during World War I, stand windowless, doors missing, some roofless.

Yet a good many have tenants. And it is here that one sees the gray woman—gray like everything about her. She sits on a sagging porch step, knees lax, puffy with fat, motionless as she appears to stare straight ahead, seeing nothing. Around her, children are sitting, standing among the rusty tin cans, bottles and weeds in the narrow strip of hillside between house and road.

Driving on, you see the woman again and again. Often near her is a man; he too, stares, and both seem waiting. For what? The next welfare check? A job? The men are out-of-work miners, sick or crippled miners. The women are their wives or the widows of miners.

What can a jobless pit miner expect in this time of mining prosperity? Some few have been able to return to mining; others have taken low-paying, part-time jobs in truck mines or whatever they can get. Some have enrolled in the job-retraining courses sponsored by the federal government; in one project a man with children was paid while he trained. But these training programs have not been much help to the older miners. Some have never heard of them; others, living 15 or 20 miles from a training center and with no means of transportation, could not participate.

As one goes deeper into the smoke-filled, gritty world, the unkempt women, children and men multiply. It is futile to berate these idle, seemingly lazy people in one's mind, or to think how the women could neaten up themselves and children, the men mend broken steps and sagging porches, the children clean up the bits of yard. They have lived in this junk heap of a world too long; dirt all around, crawling down the hillsides, scumming the streams. Their houses are part of the debris, in a

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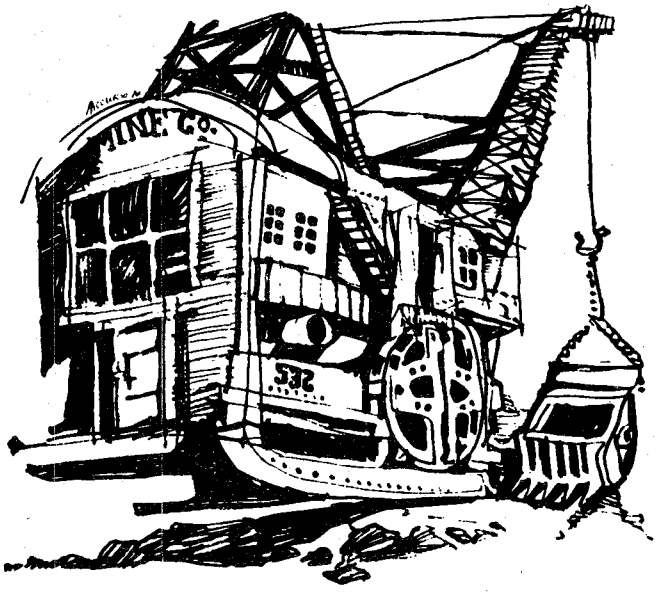
place where laws, if any, about dumping rubbish and garbage are not enforced, and where there's no getting ahead of the coal dust and smoke that fall like rain, but a rain that never stops.

A rejuvenation of the mess surrounding these people would undoubtedly help to restore hope and pride. Such a program would also mean employment for the idle men. If the owners of the slack piles and other debris of abandoned drift mines cannot or will not clean up their mess, the government could take the land by eminent domain, as it has taken many thousands of acres above the water level of many artificial lakes. If local and state governments in Kentucky and elsewhere cannot do the regrading and reforestation that West Virginia managed to do, the federal government should take over. Heavy machinery would be needed for much of the regrading, but the remainder of the work could be accomplished through a program much like the WPA of the 1930s.

Once the work was done, every effort would be needed to check and remedy the ravages of day-to-day mining. Strip and auger mining are the worst offenders. The mobility of the equipment cuts mining costs, but adds immeasurably to the amount of damage one outfit can do to the land in a short time. When one mountain is scalped, the machinery can move to another. Bad roads or none at all are no great handicap; bulldozers and giant pushers can soon knock over the trees and claw out a way. Kentucky fines the operator who fails to regrade, but it is cheaper to pay the fine and leave the loosened rock and earth to go where they will; often onto the dwellings below.



The ravaging of the earth is the most obvious effect of strip and core mining, but it is only the beginning of the bigger pollution problems in most of Appalachia's coal counties. Both the Appalachian Planning Commission and the framers of the Act hoped to find more uses for coal within the region. Their specific suggestion was that more coal-fired, steam generators be located in or near the coal fields. The plants were to be built by private utility firms that would find it cheaper to transmit electricity than to build generators near big cities and ship coal to them.

Part of that hope has been realized. One cannot drive very far in any direction in Appalachia without seeing, and usually smelling, a generator. At mid-afternoon in the valley of the Big Sandy, twilight thickens until the road is scarcely visible, and from the car one catches only smudged glimpses of big chimneys shooting out black smoke. The generators on the Big Sandy are small compared to those on the Monongahela. The REA generator on Lake Cumberland, near Burnside, Ky., uses 100 tons of coal a day; much larger are some of the eleven—a twelfth is being built—in the TVA system. All emit coal fumes, and all are built by a body of water. Large generators may use thousands of gallons per minute, and this water is returned to the lake or stream several degrees warmer than when pumped out.

In addition to smoke, noise and the warming of the nearby water, other deadlier pollutants are less easily detected. Mixed with the smoke are poisonous gases, among them a sulfur compound that sooner or later gets into the soil and water to the detriment of life in both. The need for pollution control concerns not only Appalachia but also areas far down the Mississippi Valley, since most Appalachian rivers are parts of the Ohio-Mississippi complex.

A good deal of effort is put forth in Appalachia to check pollution, but the biggest single complaint among the well-to-do and the townspeople of the coal country is lack of flood control. Some had hoped for a replication of TVA that would build dams on the upper tributaries of their rivers to power hydroelectric plants and at the same time control floods. These hydroelectric plants would not have precluded the building of steam plants using local coal. TVA's coal-powered generators furnish 80 per cent of the electricity produced by the program. However, the framers of the Appalachian Act wanted everything to be built by free enterprise, and it is much less expensive to produce electricity with coal-fired generators than to build dams for hydroelectric plants. Thus yearly floods continue to destroy life and property in West Virginia, eastern Kentucky and the mountainous sections of Pennsylvania and Virginia.

Many in the coal counties also complain of strip mining, but few condemn it, for the money is rolling in. The biggest town in a coal county may seem at first nothing more than a row of squat, brick buildings, begrimed with years of coal smoke and dust, and jammed together in a narrow valley. However, traffic is heavy, parking places are filled with cars, often new and expensive, and business in the stores, better restaurants and chain motels is brisk. A few miles outside such a town the visitor will discover handsome houses, half hidden in trees and shrubbery and served by private roads.

Splendid homes and other marks of wealth are fairly common in Appalachia. Huntsville, Ala., and the surrounding region have prospered greatly since the Marshall Space Flight Center was established there in 1960. Western North Carolina, east Tennessee and counties in northern Georgia serviced by TVA have high levels of income

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and little unemployment. West Virginia, though still suffering, has cut the number of its unemployed miners in half. It has also, and with scant federal aid, regraded, grassed or reforested most of the land ruined by mining.

Thanks to state aid and good planning at the local level, school consolidation is more common than not in Appalachia. County health units have done much, especially to lower the rate of most contagious diseases. More and better medical centers have been built. Agricultural methods and forestry have also improved.

However, many sections are untouched by any of these improvements. In contrast to the remainder of the nation, about 50 per cent of Appalachia's people are rural. Yet less than 10 per cent own enough land to qualify as farmers under the census. There are prosperous farming communities in the region, mostly in Georgia, Pennsylvania and Maryland, with a few others on the eastern and western fringes; but one-third of all Appalachian farmers were earning less than $2,500 a year when the Appalachian Act was passed. In eastern Kentucky, where there are more farmers than miners, their average yearly income was $1,844 in 1965, or less than some miners on the dole receive in cash and food.

The subsistence farmer often lives in a poor county in which bad roads, an inadequate educational system, and no medical facilities make life difficult. Nevertheless, if he can keep off the dole, hanging onto his farm until death or decrepitude overtakes him, he is well off compared to many of Appalachia's rural poor.

Such a farmer may live in an old house with a sagging porch, but almost always there are flowers by the front gate and vines on the porch. Apples and peaches dry in the sun while the glint of fruit jars upside down on the picket fence tell that the housewife's canning is not yet done. The hillside may be in corn because there's no place else to put it, and the milk cow grazes in the surrounding woods—against the law in most counties—with only the calf in the barnyard to bring her home. There are fruit trees, chickens and, surrounded by a picket fence to keep out chickens and hogs, a large vegetable garden that supplies much of the family's food.

The family usually has an abundant, healthful diet during summer, fall and most of winter; but by early spring the one milk cow is dry, meat and most of the canned and stored food are gone. However, food is scarce only part of the time, which is more than can be said for money. Cash for anything—school shoes or taxes—is almost impossible to come by.

A great many small farmers in Appalachia and elsewhere in the United States take part-time jobs, usually in the nearest town or city. But the farmer with no car, a road unfit for a car if he had one, and no place of employment within walking distance, cannot even look for a job.

The few sharecroppers and farm laborers left in the area are even worse off; there is less farm work to be done and the abandoned farms are not worth renting. Most are on the dole; not an easy way of life. They usually have to walk many miles to get their surplus food or to spend welfare checks and food stamps.

The back-hill communities grow smaller and smaller. The very poor, the young and ambitious, and often even the middle-aged go to the cities. During wars and boom times the exodus quickens. Some find steady employment and in time move into good communities. But more of them, badly educated, with no marketable skills, strange to all the ways of the city, their children behind in school, find nothing but misery and disappointment. Hope is lost and pride crushed when, as often happens, they end up on welfare.

Such families would often rather be back home in the hills, but for most there is no longer a home in the hills. Everybody they once knew is gone; the community has disappeared, the abandoned farms gone into a national forest or sold to an absentee owner for unpaid taxes. Those who do hang on find life increasingly difficult in the dwindling community. As the population decreases there are no longer enough children for the one-room school. The few left are either forced to walk much farther to another one-room school, or even more miles to the nearest school bus route; a long ride over dangerous roads often follows the walk; some young children spend twelve hours a day away from home. One wishes all consolidated school systems could serve breakfasts as well as lunches to those who need them.

In the dying community, roads and paths grow up in brush; help in time of trouble is hard to get in a place with no telephones. The few people left seldom see one another. The community gathering place, the post office to which everybody went on mail days, has been replaced by rural routes. The government did away with the rural postmasters, since one mail carrier can serve more people. The mail box may be miles from the owner's home, but he can walk.

It is true that within the last three or four decades there has been great improvement in Appalachia's agriculture as a whole. There are many farm programs, usually instituted by the county agricultural agent whose salary is paid in part by the federal government. The Appalachian Redevelopment Act contained measures for helping farmers with loans, forest management and pasture improvement. However, the backwoods farmer on small acreage has not enough land or money to take advantage of any of these. He is still less able to get any of the billions spent on farm subsidies or crop control.

Industry is increasing in Appalachia; more than 30 per cent of the labor force is employed in manufacturing and the figure is rising. Tourism has increased until it is now big business in many sections. Most business and industry are in the developed regions, though a good many rural counties have benefited from tourism or the coming

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of some industry, such as a small wood-working plant.

However, neither business nor tourism can benefit the back-hill farming community in a poor county. And there seem to be no plans for doing so. Most agronomists, rural economists, and many government officials welcome the disappearance of the subsistence farmer and his community. The sooner all the people get out the better. They reason that a farmer with a small acreage of worn-out land, most of it submarginal to begin with, adds nothing to the national economy. He's probably never had earnings high enough to pay income tax; he doesn't even have Social Security.

And the small farmers are leaving, and have left, for the cities. In most of Appalachia the decline in the farm population is much greater than for the nation as a whole. Considering the many problems of our cities, too often caused by Appalachian migrants, semi-literate and unsuited for city living, it might be sounder economics to improve living conditions in the poorer counties. Build, with federal funds if need be, at least all-weather, gravel roads into the vanishing communities. Bring in electricity; in spite of REA, many rural homes do not have it. And at the same time try to fill the most important need—better educational facilities for all.

Lack of even the rudiments of an education is one of the greatest problems of Appalachian migrants to the city. In Clay County, Ky., a few years ago, median years spent in school for all over 25 was only 6.5. What is still more disheartening is that only 52 per cent of the county's 16- and 17-year-olds are in school. In parts of Appalachia a dropout is not a student who quits high school but one who never reaches the 8th grade. Many of these dropouts were handicapped from the beginning: school or the bus route too far away for the very young; no background of education at home; poverty that meant insufficient clothing. There are school attendance laws, but what county judge will jail a penniless father for not sending his shoeless children to school in January?

The backward parts of Appalachia need to be improved, at least until the young are educated enough to take care of themselves. This may mean a good deal of direct aid from the federal government in road building, education and medical services, but considering the present cost in wasted life, it would be worth it. □

'DANGEROUS OFFENDER'

TRADING LAW FOR ORDER

BOB ECKHARDT
Representative Eckhardt, a Democrat, is a member of Congress from Texas.

Washington

The trend today is toward harshness in the exercise of criminal justice. It appeared first in the attitudes and recommendations of the Justice Department; now it is seen in the favorable action of Congress on S. 30, the Organized Crime Control Act, and on H.R. 18583, the Drug Abuse Control amendments. In particular, it shows itself in the provisions of these bills that deal with the category of "dangerous special offender." It is my thesis that this kind of get-tough-on-crime approach, which rides roughshod over civil liberties and enacts unconstitutional provisions in the name of suppressing crime, only breeds more violence and disruption in a society.

Such legislation may in the short term suppress certain crimes, but if held valid, it would upset a delicate balance in our Anglo-American constitutional government, a balance which has preserved over a great number of years a maximum of personal freedom and security along with a measure of lawfulness and orderliness which compares favorably with other societies affording much less protection to the individual. Though it is probably true, historically, that the streets, the highways and the byways of America and England have never been the safest in the world, our basic form of constitutional, representative government—and of law—has continued without catastrophic interruption in England and America for more than 1,000 years. We have had a continuity of *law*, and what we have lost in *order* has been as nothing compared to the costs of a French or a Russian revolution.

If trial by jury, protection against self-incrimination and against unreasonable searches and seizures, and the right to due process have entailed some sacrifice of *order*, they have also been essential elements in the preservation of a continuity of *law*. Congress has weakened these bulwarks of stable government in this session in its legislation on organized crime and on drug control.

The Organized Crime Control Bill came to the House floor from a committee that is not insensitive to individual liberties and civil rights. Indeed, it was first marked up in the subcommittee of Judiciary, chaired by Robert Kastenmeier, one of the most sensitive civil rights proponents in the Congress. The committee itself is chaired by the venerable constitutionalist, Emanuel Celler. Though it may be said that he brought this bill to the floor and, indeed, steered it through, no legislation could be further from his taste or character. The chairman was merely the obstetrician who brought this bill to light; he had no part in its genetic constitution. This bill was "got 'tween sleep and wake," in the dull, stale, tired bed of the Justice Department.

It is interesting to note that when, a week before, the Committee on Interstate and Foreign Commerce—usually considered less sensitive to constitutional rights and perhaps more sensitive to special interest than the Judiciary Committee—had brought out H.R. 18583, the Controlled

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Substances Act (drug bill), it did *not* include the "dangerous special offender" provision. That provision was added on the floor by Richard Poff. The gentleman from Virginia, as I have frequently observed in debate on the floor, is very learned in the law, but he exercises his expertise to walk with exquisite precision on the very outside borders of the Constitution. In this case, I think he has overstepped.

Essentially the same provision, except in a form even more at odds with the Constitution, appeared in the original version of H.R. 18583. It was eliminated in committee by Mr. Dingell's amendment, which approached the issue by creating a separate offense encompassing a continuing criminal enterprise, and thus eliminating the trenchments on the right of jury trial and the attendant deprivations of cross-examination and confrontation of accusers inherent in the "dangerous special offender" provision. John Moss, John Dingell, Brock Adams and I, anticipating the attempt to reinstate the procedure for sentence enhancement, filed separate objections to it and opposed the Poff amendment on the floor.

Very briefly, the provision governing the "dangerous special offender" establishes a process whereby, after a defendant has been found guilty of a crime, but before he is sentenced, the judge will consider information to the effect that the man before him, aside from the specific activities on which the jury has just given its verdict, has in his past other deeds which make him a dangerous offender. If the judge is convinced that this is so, he may "enhance" the sentence for the crime of which the defendant is found guilty up to a maximum of twenty-five years. Exactly why is this provision so objectionable? One's immediate reaction, perhaps, it that any "dangerous special offender" should have the book thrown at him. But how do you determine that someone is a "dangerous special offender"?

All reasonable men agree that criminals should be apprehended, but the essential business of our judicial system is to find out whether one so detained is indeed guilty of a crime. And just as the accused is not necessarily a criminal, so a person convicted of a specific offense is not necessarily a "dangerous special offender." This status must be conferred upon him on factual showings that disclose (*1*) a pattern of felonious dealings, or (*2*) a conspiracy to engage in a pattern of felonious dealings.

Thus the problem of proving someone a "dangerous special offender" is exactly the same as that of proving a person guilty of some crime. Both findings must be arrived at in a manner consonant with constitutional requirements.

The trouble with the special sentencing provision for dangerous offenders of both S. 30 and the drug bill is that it removes from the consideration of the jury a very serious element of the crime for which the accused is standing trial. It does this by subordinating the dangerous special kind of offense involved to the status of the offender himself. It is then argued that the only thing that is being considered in the pre-sentencing procedure is the character of the offender. If he is a "dangerous special offender," his sentence may be enhanced.

This sounds reasonable, since judges have always had it in their power, when sentencing defendants, to take into consideration the character of the defendant, the likelihood that he will repeat the offense, etc. The Supreme Court held in *Williams* v. *New York* (337 U.S. 241) that information establishing such matters after conviction does not have to meet the due process requirements of evidence establishing a conviction. Thus a judge, considering matters which come to him informally, not subject to cross-examination and other rules of court procedure, can give the death sentence when the defendant is convicted of murder, even though the offense also carries a lighter sentence which was recommended by the jury.

But the Supreme Court has never said that the judge, in the guise of enhancing a sentence, can find additional elements which are the necessary prerequisites for this more severe penalty. For instance, let us imagine that *Williams* v. *New York* did not involve a conviction for murder, which itself carried the death penalty. Suppose that Williams had been convicted on a charge of manslaughter on the basis of facts before the jury which showed that he had engaged in an assault upon another, unreasonably and viciously carrying it to the point of killing the other party. The jury convicts Williams of manslaughter which would ordinarily carry a maximum sentence of, say, twenty years.

For the case to be like the one involved in the special sentencing provisions of these bills, we must imagine the court engaging in a practice something like this: the judge holds a pre-sentencing hearing in which he receives information that Williams committed the homicide in the course of breaking and entering the premises of the victim. At common law such would provide the basis for a conviction of murder. The court then enhances the sentence from twenty years to the death penalty. In such a situation the court would obviously have denied Williams the right of trial by jury respecting a necessary element of the crime of murder.

The comparable situation exists both under S. 30 and under the drug bill. Here is a possible case arising from the drug bill: A search of the premises of Jesse Garcia results in the discovery of a cache of 5 pounds of marijuana and some packs of cigarette papers. Garcia makes a written confession that he has from time to time purchased marijuana and sold some of it to his son. In addition to his regular job as a machinist, he makes some money as a part-time bartender. In times of heavy layoff, as at present, he makes more in the latter category. He cannot account for his money with any convincing records.

Garcia is convicted on the charge of distributing marijuana, but the prosecutor believes he is also a "dangerous special drug offender" who is engaged in the business of bringing marijuana in from Mexico and selling it in the United States. Though the jury has convicted Garcia of an offense which carries only a five-year penalty, he is tried in the pre-sentencing hearing for the greater offense of engaging in a pattern of felonious dealing. Information is there produced that he has been so engaged. The informer's name is not revealed, and it is not known that the whole basis of the information was an indecisive photograph in the Treasury Department's files.

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The judge then sentences Garcia, not to the five-year maximum that is provided for the crime for which he has been convicted, but to twenty-five years for that crime, plus the additional elements that are supposed to make him a "special dangerous drug offender."

The dangerous criminal offender is a person who has been convicted of one crime but is sentenced for another. Elements of the other crime are never brought before a jury nor is the defendant afforded due process. This does not comport with the Sixth Amendment's mandate that "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed."

A defendant accused before sentencing of being a "dangerous special offender" is also denied due process of law under the Fifth Amendment, since he has available for cross-examination only such witness as appears in the pre-sentencing hearing—usually only the compiler of the report. He can, of course, have process to obtain such witnesses as he can find who have been identified as the sources for the information in the report. To that extent, Mr. Poff felt it necessary to bow to the teaching in *Specht* v. *Patterson* (386 U.S. 605).

But this is cold comfort if (*1*) he cannot find the witnesses, or (*2*) the sources state hearsay and do not reveal the alleged witnesses to the matter in question, or (*3*) the judge exercises his extraordinary authority to withhold their names.

The protections are inferior to the protection a defendant would receive if the case were tried before the court since:

(*1*) The prosecutor does not have to elect whether or not to use a witness, the disclosure of whose identity would make him useless in the future as an informer, would place him in danger, or might seriously disrupt his program of rehabilitation. He may gain the fruits of his information without these risks, and the defendant does not have the right of confrontation by his accuser. This follows because, in what are called "extraordinary cases," the court may protect confidential sources of information. Thus the defendant loses the right of cross-examination as well as the right of jury trial.

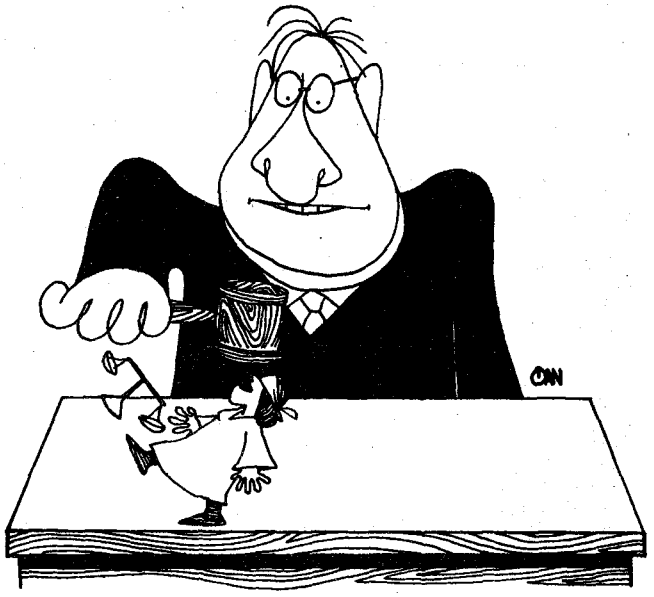
(*2*) The defendant does not have access to the parts of the pre-sentence report that the judge has determined are not relevant to a proper sentence; and, although this question may be carried forward into an appeal, the actual material, as I understand it, may continue to be considered *in camera* by the courts.

(*3*) The defendant has the tremendous practical disadvantage of having to go forward with the burden of obtaining first-hand testimony and of bringing in live witnesses to test or to refute material which may be easily brought in against him in the report.

I would not have thought a case I tried many years ago would presage the climate of judicial opinion today. Thirty years ago, a justice of the peace, at the beginning of the trial, after a long period of silence, said to me: "Mr. Eckhardt, proceed to defend your client." I asked: "If Your Honor pleases, if no evidence is to be presented, will you instruct the jury that my client must be held not guilty?" He replied: "Well, Mr. Eckhardt, I understand the law to be that a man is guilty until he proves his self innocent."

I had to admit that I had not briefed the point for that case, but would later give authority going back at least to Magna Charta that the reverse was true. One would not think that similar authority would have to be supplied to the Attorney General of the United States.

Suppose counsel for the defendant is told today, "Proceed to defend your client." Suppose the defendant does not take the stand, asserting his Fifth Amendment right



against self-incrimination. The cost of his exercising this right may be the enhancement of his sentence from five years to twenty-five. That is so because the defendant may fear to testify in his own behalf, lest cross-examination disclose facts leading to his being held a "dangerous offender" in a proceeding in which he is not afforded the ordinary protections of due process.

The shifting of a part of the burden of proof to the defendant in a criminal matter has the effect of placing a price upon the exercise of the Fifth Amendment right against self-incrimination.

There is another evil in the cases of these two bills that applies generally to passing any unconstitutional legislation in response to the hue and cry for law and order. Both the courts *and* Congress are bound to support the Constitution. When a Congressman says, in justifying support of legislation of dubious constitutionality: "This may well be unconstitutional but, if so, the Supreme Court will surely knock it out," he is shirking a duty expressed in his oath of office. Beyond that, he is also subverting law and order.

A grave result occurs if the unconstitutional language is stricken at the Court level. In order to correct the constitutional defect, the Court must take action in a specific case by reversing a conviction of a person who quite probably is a criminal and may very well be especially dangerous.

In our judicial system we are not satisfied to convict on probabilities, but if the probability of guilt is strong

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enough to result in a man's indictment, it is a risky thing to apply in his case a process so constitutionally imperfect as to risk his release on society.

This defect is markedly present in S. 30 and the drug bill. The alleged dangerous criminal offender is a person who has been convicted of one crime; he is sought to be sentenced for another. The fact that the statute is brought into play indicates that he is, at least arguably, a dangerous offender, such as one engaged in organized crime. The chances are that he could be convicted under existing law either as a habitual criminal or as one guilty of an extremely serious crime carrying a high sentence. But the prosecutor has been tempted by the sentence-enhancing provisions to convict his man of *any* felony—like that of the selling of a marijuana cigarette, with a maximum five-year penalty—because he has it in mind that the sentence can be enhanced after conviction to twenty-five years.

When many people are tried under such theory and sentenced up to twenty-five years; and when the Court then strikes down the provision under which they are sentenced, these persons are either freed or left subject only to a light sentence. That is the danger of delaying a determination of constitutionality to the Court stage. It is as much the duty of Congress to uphold the Constitution as it is of the courts.

Congress, in passing these bills, failed to heed the warning of Justice Brandeis in *Democratic Publishing Company* v. *Burleson* (255 U.S. 407):

> . . . In every extension of governmental functions lurks a new danger to civil liberty. . . . Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. □

RAPE IN BIRMINGHAM

CAN A BLACK BE ACQUITTED?

NICHOLAS C. CHRISS

Mr. Chriss, Houston bureau chief of the Los Angeles Times, *was formerly on the news staff of the Tupelo (Miss.)* Daily Journal. *He has covered most of the major race stories in the South since 1954. Mr. Chriss has also been a foreign correspondent in London, Frankfurt and Berlin.*

Birmingham

The lives of Sandra Jo McMahan and Raymond Dean Holloway changed abruptly one night last spring. Miss McMahan is a white 20-year-old employee in the legal department of the Birmingham City Hall, one of four daughters of a steelworker. Holloway is a 21-year-old student, a senior majoring in biology, at the black Miles College on the outskirts of town. He is one of six children and lives with his aunt. His mother, remarried, also lives in Birmingham. Holloway was raised mainly by his grandmother in rural Alabama. On the night of April 30 he was at work in the printing shop of a building on the Birmingham campus of the University of Alabama. Miss McMahan was in the same building, taking a night English course. She left the building about 9:30 P.M. Later that night she told police that an unidentified Negro had raped her and robbed her of about $10. It occurred, she said, around 9:50 P.M. Her assailant, she added, was about 30 years old, about 6 feet tall and weighed about 180 pounds. Holloway is 5 feet 10 and weighs 140 pounds.

At a police lineup several days later, Miss McMahan identified a Negro as her assailant. But, as it turned out, that Negro was in jail the night she was attacked. On May 5, detective Melvin Gullion, investigating the case, saw Holloway in the building. Holloway agreed to appear in a police lineup. Miss McMahan failed to identify him. But a short while later she said she saw him in the parking lot when he was leaving and was now positive she could identify him as her attacker. The unnatural light had prevented her from identifying Holloway in the police lineup, she said. She recalled that before she was raped she had seen her attacker—she thought—standing in the lobby of the building and had got a good look at him.

That is an important detail, because Holloway has said he left the building at about 7:30 P.M. Can he prove it? His trial, after two postponements, is scheduled to begin January 11.

Detective Gullion said he also was convinced of Holloway's guilt from Miss McMahan's physical description of her alleged attacker. Moreover, he added, he had a "feeling" based on twenty years of police work in Birmingham that Holloway was the attacker.

Holloway was arrested May 6, indicted later, and then spent twelve weeks in jail before he was released on $20,000 bond in August. His family, friends and superiors insist he is innocent, the victim of mistaken identity and of whites seeking vengeance for the rape of a white woman. His aunt, uncle, brother, sister and two friends vow he arrived home shortly after 7:30 P.M. and stayed there. The state prosecutor who will try the case obtained five death penalties in 1970. Holloway's friends believe that ultimately, because of the shadowy issues in the case, the trial will hang on the word of a black man against the word of a white woman who has said she was raped. Holloway insists he is not worried about the trial. "I know I'm innocent," he said. To prove it he related this incident: "When the police first approached me and said I was suspected, they told me the rape had taken place at about 9:30 or 10 P.M. I felt relief all over and told the detectives: 'Well, good then, because I left the building about 7 or 7:30 and went home.' " Holloway has no criminal record.

A white guard in the building at the time, says Holloway had left, and Holloway's boss, also white, says he is positive he saw Holloway drive away in his car and that in fact they left the building together.

In Birmingham, according to the words of one promi-

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nent white attorney, there are few cases of a black being acquitted of raping a white woman. "These one or two cases happened in recent times. And you have to live in Birmingham to realize what tremendous progress this means." Maybe.

Miss McMahan never returned to her night English course. She plans to be married in February. Her father is a night-shift steelworker who keeps a sign on the door of his neat white frame house advising against ringing the doorbell during the day when he is asleep. He is still enraged and bitter when he talks about the alleged attack on his daughter. The family, he said, not only had to bear the grief of the attack but also the fact that two hospitals refused to treat his daughter after the event. One was the state University Hospital. The other was the private Lloyd Noland Hospital, not far from where the McMahans live, and the hospital in which Sandra Jo was born. It was not until the next day that she finally received a physical examination, from the family doctor. McMahan, his fist clenched and his words blurred with bitterness, relates that his daughter was not given treatment for a minor stab wound until 3 A.M.

Miles College, Holloway's school, has over the years provided impetus for much of the social change in Birmingham. It hasn't come easy for the blacks. Nor has it been easy for the whites. The college is only about a mile and a half from the McMahan home. Sandra Jo's father, like many others in Birmingham, looks on the black school as a center of unrest, dope, traffic in weapons and revolutionaries. "It's not safe for a white woman to walk the streets of Birmingham any more," he angrily declared. The area where the McMahans live has had Negroes living on all-black streets for many years. Lately, a few blacks have begun to move into houses on the white streets. McMahan, who has toiled in the steel mills some twenty-five years, is a union member and, he says, as much opposed to the Ku Klux Klan as he is to black militants. He believes "some of the finest men on the Birmingham police force are two black officers I know." Since the attack on Sandra Jo, his wife and one of his daughters have been taking lessons in handling and firing a pistol from the Birmingham police. The students at Miles have backed young Holloway with demonstrations, and have paid many of his bills with contributions. They horrified one prestigious law firm in the city, which first handled his case, when sixteen of them conducted a reception room sit-in, claiming the firm was not doing enough to help Holloway get out of jail. ("Jesus Christ," said an enraged partner later, "what did they think they would accomplish by that, *up here*!")

The life of Holloway and his family also has changed. He missed the summer session of school when he was in jail. He no longer works at his job. His family has paid $1,300 to the first law firm and still owes it $3,500 (which the firm does not expect to collect). The family has paid $1,500 to another attorney, Morel Montgomery, and must pay another $1,000 this month. His aunt, his mother and some friends put up the $20,000 property bond.

The man who finally got Holloway out of jail was Montgomery, a 71-year-old shrewd white criminal attorney who has practiced in the city forty-seven years. It would not be unfair to say that Montgomery knows where all the skeletons are closeted in Birmingham. He said about 40 per cent of his practice comes from "the better class of blacks." Mrs. Patty Voltz, Holloway's mother, said Montgomery is well known among the city's blacks. She says he first asked for $5,000, but later settled for two payments totaling $2,500.

"He told me it's not what you know, it's who you know," she said. Montgomery, in an interview, admitted having considerable influence in Birmingham. This, together with his years of practice, obviously got Holloway out of jail on $20,000 bond. A prominent black attorney in the city, who is opposed to the white lawyer handling the case because he thinks Montgomery will not raise "constitutional issues," said it was a "minor miracle" that the attorney was able to get Holloway out on bond at all. And his mother said she felt a white attorney like Montgomery could achieve more for her son in court than could a black lawyer. She said Montgomery proved this simply by getting Raymond out of jail on bond. Mrs. Voltz and some other Negro friends of the young man, who are versed in these things, feel he probably will end up with an all-white jury. U. W. Clemon, a young black attorney graduate of Columbia Law School—who sometimes wishes he had stayed in New York—said he was not surprised by the Holloway family decision. "They still feel like many black families in Alabama. That means that what's white is right." □

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BOOKS & THE ARTS

The Instinct for Order

CLAUDE LEVI-STRAUSS. *By Edmund Leach. The Viking Press. 142 pp. $5.75. Paper $1.75.*

BURTON BENDOW
Mr. Bendow is the author of a forthcoming book on the postwar Italian cinema, The Revolution Stops for Orangeade *(Grosset & Dunlap).*

A mythical hero of the Ge Indians of Brazil steals the secrets of fire and the bow and arrow from the jaguar, who thereafter hates mankind and solemnly renounces roast meat for raw. Is this a case of feline pique, for the jaguar has been very kind to the young man and been betrayed by him? No, it is an instance of the human habit of thinking in antitheses. For the myth explains how man, in every way opposed to the jaguar, learns to obtain raw meat and roast it.

So says Claude Lévi-Strauss in *The Raw and the Cooked,* the first of several volumes collectively entitled "Mythologiques." As this portmanteau word indicates, his purpose is to study the logic of myth, the mental operations that shape myth and that, presumably, underlie many other achievements of human thought. These operations are very simple. They consist of making analogies based on likenesses or distinctions based on differences, of organizing similar phenomena into groups or distinct phenomena into pairs of opposites, and, more generally, of thinking in terms that might be used by a professor of grammar or rhetoric—"symmetry, inversion, equivalence, homology," etc. In fact, these terms are imported from the field of linguistics, specifically from the work of Roman Jakobson and other structuralists.

The surprising thing is that such simple forms of thought do seem to account for many aspects of myth that were formerly misunderstood or ignored. In *The Raw and the Cooked* Lévi-Strauss examines more than 200 South American myths in order to lay bare the logical, or proto-logical, relations that obtain among them. First he is able to group them into sets that clearly share a common theme and origin. Then, less successfully, he tries to group these sets into larger units, and these units into still larger ones—until he encompasses all the mythological material in one all-embracing system. He is never so happy as when he can demonstrate the connection between two apparently unrelated fables by means of something that looks like a geometrical diagram or an algebraic equation. For example, he proves—at least to his satisfaction—that the jaguar myth about the origin of cooking is an almost symmetrical inversion of a myth about the origin of colored plumage in birds; he does it by bracketing the comparable incidents of the two stories and assigning them plus or minus signs. Much of his reasoning is extremely strained. And an impatient reader might throw down Lévi-Strauss' book on encountering this announcement delivered with a straight face: "What link can there be between the response to the call of rotten wood, the olfactory perception of the stench, the acquisition of a limp penis, the nonperception of a particular scene, the nonconsumption of maggoty beer . . . the rape of a virgin, and the eating of roast possum? . . . Arithmetic uses the rule of 'casting out the nines.' I propose to establish that proofs can exist in the domain of mythology. . . ."

Edmund Leach suspects some sort of hoax. He writes a concise introduction to the ideas of Lévi-Strauss, dealing separately with his theories of myth, kinship and primitive ways of classification. And straight off he announces his own bias. As an anthropologist, he is out of sympathy with the aims of a man who might better be called an epistemologist. As one familiar with the diversity of human societies, he is wary of generalizations about their underlying unity. And he demolishes the argument of *Elementary Studies of Kinship,* an attempt by Lévi-Strauss to subsume all kinship arrangements in one system, by showing how the system fails to explain many of the arrangements. A former student of Malinowski, he deplores Lévi-Strauss' reliance on unqualified informants and his habit of wrenching myths out of their cultural context. Lévi-Strauss cannot be expected to have spent four years learning the language and customs of one tribe as Malinowski did, since he deals with the myths of some fifty tribes, many of them now extinct or culturally extinguished. But in writing of the Bororo, whom he and other ethnographers have studied at first hand, he rarely mentions the role of myth in their lives—who tells it, who listens to it, and under what circumstances, and accompanied by what rituals, if any. Lévi-Strauss even leaps out of the more general context that he himself establishes—the myth circles of tribes in or around Brazil—and snatches at myths from Europe or China to prop up an argument that cannot be sustained by the Brazilian material alone.

Finally, Leach, though not an adherent of the functionalist ideas of Malinowski, is suspicious of the structuralist approach —at least, as it is applied to mythology. He compares structural analysis to psychoanalysis. Given the method and the categories of thought, an ingenious analyst can arrive at almost any interpretation. And it is not subject to proof. For instance, a myth may be discovered whose tenor is directly counter to that of the other myths in the same set. Lévi-Strauss takes this as but another example of inversion, a confirmation of his original conclusions. Nothing is demonstrably true or untrue in this fog of speculation. And Leach, a scientist raised in the British empirical tradition, respectful of facts and apt to regard abstractions as fictions, passes the predictable verdict on the Frenchman. He calls him "a visionary" and "a poet."

Nevertheless, Leach gallantly does justice to his subject's alien ideas. For one thing, he makes them intelligible. Lévi-Strauss writes in a style that is involuted, epigrammatic, metaphorical, allusive, loaded with puns and technical jargon, and often exasperatingly obscure. Leach is clarity itself. In a brief biographical sketch he tries to account for the Frenchman's passion for abstractions, his perennial search for *les choses derrière les choses.* He defines Lévi-Strauss' objectives lucidly. He clarifies some of his author's concepts, such as metonym as distinguished from metaphor. And he demonstrates his method at some length. Using Lévi-Strauss' analysis of the Oedipus myth as a model, he subjects a number of other Greek myths to the same treatment and constructs several diagrams similar to those involving the jaguar. The results of this labor seem so insignificant that the demonstration amounts to a *reductio ad absurdum.* And Leach is forced to make his own interpretation, without benefit of arithmetical signs: if the sons and daughters of the Greek aristocracy are to succeed their parents, they may have to commit patricide, matricide and other

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domestic crimes. Lévi-Strauss, of course, regards the diagrams as ends in themselves, as illustrations of man's propensity to organize his experience into regular patterns.

Leach also advises how best to attack the bulky *oeuvre* of Lévi-Strauss; he suggests what to read first, points out key passages, and makes other helpful recommendations. His book is thus an excellent guide for uninitiated readers. But, for those who want to make sense of what they have read, it does not go quite far enough. Leach is in the awkward position of having to expound another man's ideas rather than express his own, and he is hampered by the necessity of being fair. So his appraisal of Lévi-Strauss' faults and virtues is somewhat inconclusive.

First, as to the faults. Lévi-Strauss sometimes seems to confuse the operations of thinking with the objects of it. The operations, as he conceives them, are no doubt too simple—little more than making analogies and antitheses—but the game is to find out how much can be explained by even these elementary mental processes, which are not restricted to any one tribe or culture but are universal. However, one must have something to think about. And the objects of thought are always taken from a particular environment and reflect particular preoccupations. The natives of Brazil, who live on a primitive economic level, are naturally concerned with the getting and preparing of food. And in one group of myths they distinguish between raw meat eaten by jaguars and roast meat eaten by men. Lévi-Strauss pounces on this distinction and transforms it into an abstract pair of antonyms—the raw and the cooked or, still more abstractly, nature and culture. Then, while he explicitly denies that this concept is anything more than empirical and derived from a study of particular myths, he elevates it to the rank of a universal. That is, he treats it as if it had some prior existence in the structure of the human mind and were inseparable from the operations of thinking.

Only so is he able to link two myths that apparently have little to do with each other. "The jaguar endows the hero with a cultural force (weapons, cooking fire)" is treated as an inversion of an incident from the myth about bird plumage: "the eagle bestows a natural faculty on the hero (power to fly, superhuman force)." But the two can be regarded as opposites only if one assumes, as Lévi-Strauss does, that the myth makers had at the back of their minds a concept of culture as opposed to nature. Sometimes it is clear that they did have one. Sometimes the concept clearly exists only in the mind of Lévi-Strauss. Often the issue is confused because one pair of antonyms is associated or interchangeable with another, as the raw and the cooked is with nature and culture. By juggling with such related pairs—the fresh and the rotten, the edible and the poisonous, eating and excreting, health and disease, life and death—Lévi-Strauss reveals, or invents, an international network of connections. Leach compares him to Freud. He might better have compared him to Jung, whose racial memories and archetypal images inhabit the same imaginary realm—some recess of the unconscious—as these antonyms which are taken to be universal counters of thought. Lévi-Strauss often seems to be fixing an intense, bespectacled, humorless gaze upon the unfathomable—just as he does in the photograph on the jacket of this book—and perceiving there, as through a glass darkly, the reflections of his own mental gymnastics.

Why, then, is so faulty a thinker accorded so much respect? Why are his little pseudo-equations taken seriously? Because Lévi-Strauss has found out something new. Strictly speaking, the discovery is not his own; he was anticipated by Durkheim and many others. But he is the first to seek and find—methodically—this new thing in many different areas of life. His fundamental insight is that thinking, or more accurately, organizing experience into consistent patterns, is an active as well as a reflective process. Whenever possible it will do physical work on the objects it encounters; it even shapes human material into social patterns, building symmetrical villages and dividing the tribe into symmetrical exogamous moieties, as well as appearing to reason in symmetrical symbols. So "thinking" is perhaps a misnomer. What is involved here is the activity fundamental to the creation of all culture. It both invents grammar and understands it, regulates behavior and interprets it, composes music and responds to it. It might better be called the instinct for order.

Moreover, it is an instinct as compelling as hunger. Even when there is no apparent need for it, men will exercise this faculty as they exercise their limbs. They will go so far as to deny other appetites in order to indulge this one, constructing elaborate kinship systems that impose certain sexual taboos, or inventing inconvenient dietary laws or constricting modes of dress or repressive codes of manners. Of course, many other motives enter into these social arrangements. And, for that reason, the need for order is best studied in its passive aspects, as in thinking. Even myth resists this kind of examination; for myth is not only primitive thought, an effort to comprehend the world, but also a narrative art which, like the epic or the novel, is meant to thrill the listener. Perhaps the nearest thing to pure thinking, unadulterated by other motives, is classifying phenomena. Primitive ways of sorting species of flora and fauna lend themselves most easily to structural analysis and provide Lévi-Strauss with an excellent point of attack. Leach is most appreciative of his work in this area and quotes several passages from *The Savage Mind* as models of perspicacity. But he misses their larger implications; he fails to discern the greatness of the subject that preoccupies Lévi-Strauss in so many different ways.

Leach is consequently unimpressed by the merits of *Tristes Tropiques*. It is merely a popular book and not a formal work of anthropology. It propounds no new theories requiring explication; it describes no new tribes—at least, not in the exhaustive manner that tribes ought to be described. At best it is a record of the author's inadequate field work. For Lévi-Strauss, however, it is but another approach to the same great subject—an inverted view, as he might call it. His gaze here is fixed on real events, not written accounts, and events that by reason of their striking novelty provoke him to more than cerebration. He writes as a feeling man, not as a detached thinker or as the practitioner of a science with prescribed aims and limits. And he finds not order but chaos.

It is no accident that the instinct for order was discovered in an age of increasing disorder, when all the forms—social, political, artistic, sartorial—seem to be undergoing dissolution, and when men suffer from a sense of futility, from Durkheim's *anomie*. No doubt they suffer so in the great cultural centers, in Paris and New York. But on the periphery, in the interior of Brazil where Lévi-Strauss makes his laborious way and where Western civilization has all but obliterated the indigenous order and replaced it with nothing, their miseries are indescribable. One tribe is reduced to three survivors—a boy, a crippled woman, and an old witch doctor who knows that when he dies the wisdom of his race will perish with him. Another tribe, the Nambikwara, is first described as an endearing people, devoted to teasing and lovemaking and playing with their children and pets. Some years later a Catholic mission reports the appearance of a dozen bellies distended by hunger, rotten with the white man's diseases, filthy and stinking, and in an apathy of despair.

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The emissaries of the victorious West fare little better. A solitary Portuguese, assigned to a remote station on a telegraph line that is already down, goes mad waiting for a message from civilization. Lévi-Strauss himself, exiled to this no man's land and stricken with fever, recalls bitterly that his colleagues are getting ahead in Paris while he is being forgotten. And to console himself, he does what every good *lycéen* learns to do, composes a play about his troubles—in alexandrines, and with a cast of philosophers bearing classical names. The effect, quite unintended, is ghastly: as if the heart of darkness were engulfing the last survivor of the tribe of Racine. Leach points out, by the way, that the English translation of *Tristes Tropiques* omits four chapters of the French edition. Let me urge everyone who reads French to get the Paris original. □

To Market, to Market

THE SUPERMARKET TRAP. *By Jennifer Cross. Indiana University Press. 258 pp. $5.95.*

HARRY MAURER
Mr. Maurer is a young writer living in New York City.

During the past decade, and particularly the past five years, American business has come to be increasingly mistrusted by the public. At one time the businessman had nothing to worry about besides crushing the competition and showing an ever-larger profit. If he could top his rival in dollar-to-dollar combat, or buy him out with a merger, or could squash him altogether, then all was well. Business conducted its campaign on one front only. So it is not surprising that businessmen are perturbed by the recent attacks from the hitherto quiescent consumer. With militant consumerism on the march, business quite naturally feels that it is being sabotaged by a fifth column whose existence was only dimly suspected, and whose power was unimagined.

Business has responded by protesting its innocence, loudly and cleverly, in speeches, advertisements and occasional well-publicized good deeds. Two main forms of this response have emerged. First, the counterattack: "Look! These misinformed troublemakers are attacking good old American enterprise! What are we going to do about them?" Or the strategic retreat: "All we want is to show you that we're really not such bad guys. What can we do to help you trust us again?" How many times have we read about some business-school president saying publicly that the major task of American business is to regain the confidence of American youth!

It seems to me that there are only two ways in which such confidence might be regained. One would be an extensive—and unthinkable—revision of the goals and methods of American business. The other would be the suppression of books like Jennifer Cross's *The Supermarket Trap*—because it is precisely this kind of fair, clearheaded and well-documented report that gives consumers the ammunition they need to win battles, if not wars.

Miss Cross's main point is that most of us get rooked every time we walk into a supermarket. The ways in which we are rooked are as numerous as they are devious, and Miss Cross outlines and details them without hysteria. Her book is not a polemic, and that is one of the best things about it. While she has an admitted bias in favor of the consumer, she indulges in none of the hair tearing and accusation shouting that some consumerists employ. *The Supermarket Trap* is like a tiny encyclopedia: it makes its case through quiet presentation of fact.

The book begins with several chapters of background, giving two reasons for the plight of today's shopper. The first is the rise of the giant food industries: in 1966 the food chains and affiliated "independent" markets controlled more than 90 per cent of retail grocery sales. Also, the proliferation of supermarkets has been phenomenal, with the result that an average market, which in 1954 served 11,000 to 12,000 customers, served only 3,600 in 1968. When supermarkets began in the 1930s they saved the shopper money because of increased volume and increased rationalization of handling, packaging and selling. In 1970 this rationalization has progressed about as far as it can. Combined with the greater number of stores, this fact means that each chain and market must use every conceivable resource merely to survive.

The major part of *The Supermarket Trap* is a description of those resources, most of which, according to Miss Cross, cost the shopper plenty. The most obvious is advertising. We are all aware that advertising is costly, but Miss Cross points out that there are forms of this strategy that most of us do not even recognize as advertising: coupons, stamps, games, sweepstakes, and other devices used to lure the shopper away from the supermarket down the block and the product down the shelf. These promotions are fine—for the promoter—when they work, because they increase sales enough to allow for absorbing the costs involved. When they do not work, and that is very often, the store's or company's loss may be enormous, and the loss is passed on to the consumer.

Another expensive advertising device is the new product. As if the shopper were not confused enough by the 35,000 items on the nation's shelves (not counting meat, produce or dairy products), there were about 8,000 new items in 1967, and that figure has risen since by as much as 1,000 per year. Like the promotions, new products are great if they sell. The reason they are spawned in such numbers is that their developers stand to make fortunes if they succeed. But 90 per cent fail, and here too the costs are high. On average, for a product that fails after one year of marketing, and for which the manufacturer has had to do the preliminary research and development, the loss will be about $2 million. Again, the consumer pays.

Yet another device, used to create the illusion of difference between markets, is a beautiful—and expensive—decoration scheme, making the store look from the outside like the Taj Mahal, and from the inside like a Park Avenue penthouse. The store's design also incorporates a display strategy that is little short of diabolical. Items with the highest profit margins are placed around the perimeter of the store, an area where almost every shopper walks. Through clever layout the shopper is exposed to as many items as possible, and induced to spend money for goods he had not planned to buy. Also, the store is designed to make him stay as long as possible: each minute he remains in the market over the average stay of twenty-nine minutes costs him 50¢.

Advertising, promotion and display tricks are not the only cards up the supermarket sleeve. Some of the others involve skimping on contents, the sale of stale or spoiled goods, passing off one product as another, and maintaining a powerful lobby in Washington that has an excellent record of quashing legislation meant to control these practices. *The Supermarket Trap* discusses all of these, and includes depressing chapters on thievery in supermarkets and the shopping problems of the poor.

The whole ugly mess adds up to a shopper who is confused and underinformed, buying things for reasons that he may not even suspect. What is the

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shopper to do? One thing, answers Miss Cross, is to keep track of legislation and try to offset the influence of the industry lobby. Another is to practice being what Miss Cross calls a "rational shopper," for she feels that doing the marketing should be a rational affair, and that by using our heads we can go a long way toward making it so. The trick is to ignore the promotional and display smokescreen thrown up by the stores. Select a market carefully. Keep a notebook comparing prices of foods in different stores. Use an inflexible shopping list. Go to the store alone: spouses, and especially children, mean more spending. Using these and other techniques, Miss Cross says, can save the average consumer 10 to 20 per cent of his food bill.

The Supermarket Trap has its shortcomings. One is that Miss Cross is a better consumer than she is a writer. She has an annoying predilection for the cliché ("dropped it like a hot potato," and the like) which tends to give her writing a false liveliness. And the largest question that the book raises is one Miss Cross elects not to answer, though she repeatedly approaches it. That question is whether or not the food industry's free-enterprise system, which works so badly for the consumer, should be done away with. Miss Cross apparently thinks it is not her place to attempt this one, viewing herself as a witness for the prosecution rather than as the district attorney or the judge. She leaves it up to us to play those parts. □

Art Books of 1970: Part II

LINCOLN KIRSTEIN
Mr. Kirstein is General Director of the New York City Ballet.

Architecture

VILLAGES IN THE SUN: Mediterranean Community Architecture. *By Myron Goldfinger. Praeger Publishers. 200 illustrations. 224 pp. $18.50.* For seven years, the author, a practicing New York architect, photographed twenty-five small communities in North Africa, Spain, Greece, Italy. He analyzes the humane instinct capable of sculpturing cubic space for shelter, which while handcrafted, provides many suggestive archetypes and precedents for our industrial housing. Variety, beauty of texture, considerations of detail and materials, almost cry out to be transformed into terms which might make our urban planning less of a mess in the future. Often the building is dense, in difficult terrain, but solutions are fitting and beautiful. Photographs strongly suggest hard, flat light and strong shadows which are such a part of the framing atmosphere.

Science and Aesthetics

AESTHETICS AND THEORY OF ART. *By Max Dessoir. Wayne State University Press. 444 pp. $3.95.* Dessoir (1867-1947) for nearly forty years edited the first journal of aesthetic theory. Rather than project a "theory" of art, he attempted to make a "science" of it. Whether or not such thinking has relevance for present or future, the insights of one man who looked long and hard at past achievement holds its athletic exercise for those whose curiosity attempts to frame categories. The section on harmony and proportion makes headway in determining the vague boundaries of "taste," good or bad. Not the easiest book to read: nevertheless constant instances of apposite examples break up its abstract density. Aesthetics increasingly seems some demi-science, like sociology, but individual writers focus fascinating particulars, and this book can be digested with profit.

Painting

AMERICAN PAINTING: From Its Beginning to the Armory Show. *By Jules David Prown. Skira. 70 plates in color. 144 pp. Sold only with volume described below; $60 the set.* Large format, excellence of laid-in color plates, sobriety and judicious tone of text recommend this beautiful book. Prown, director of the Paul Mellon Center for British Art and British Studies at Yale, in potential one of the great institutions and collections in the world, has the advantage of complete saturation in the sources of native American art. No apologies for provincialism; when he comes to the end of the 19th century and the appearance of our painting on the international scene, he places it with sure, swiftly noted distinction. Famous pictures are well reproduced besides many almost unknown. AMERICAN PAINTING: The Twentieth Century. *By Barbara Rose. Skira. 60 plates in color. 126 pp.* Companion to the above book is similarly well produced with splendid laid-in plates. The first part of our century is largely ignored; the importance of the Works Progress Administration underrated, and the book becomes a patriotic polemic for the School of New York after World War II. Text ends triumphantly with a paean of praise for American hegemony over world painting at the present moment. Given the premise, there are many interesting insights; it is hard to write about an immediate moment without heady enthusiasm. Color alone makes this book worth keeping.

PRE-RAPHAELITE ART AND DESIGN. *By Raymond Watkinson, New York Graphic Society. 113 plates, 21 in color. 208 pp. $13.50.* Of three important movements in plastic art, Art Nouveau (roughly 1890-1905), the Aesthetic Movement (ca., 1875-90) and Pre-Raphaelitism (ca., 1850-70), the last is the most difficult to accommodate to present taste. This excellent history places it in a European as well as a purely English context, and defines particular contributions of its prime masters. Color plates give a vivid impression of an earnest, skillful, lyric vision, with important connections to literature and ideas. Often discounted for overblown affectation, the movements of painting, furniture, book illustration show a powerful production of vitality and residue.

SURREALIST ART. *By Sarane Alexandrian. Praeger Publishers. 231 illustrations, 49 in color. 256 pp. $7.50. Paper $3.95.* An excellent compact history illustrating the core of a movement which, under the aegis of Freudian revelation, attempted a canonical method for structuring the irrational. Surreal elements have permeated plastic art since the beginning; here many masters are invoked as father figures from Bosch and Goya, through Blake to Böcklin. The French poet André Breton, as pope of Surrealism in the twenties and thirties, imposed an intellectual program more rhetorical than real. The illustrations in this inexpensive compendium show many interesting works appearing under the fantastic umbrella of ideas which are by no means extinguished.

Arts and Crafts

A GENERAL SYSTEM OF HORSEMANSHIP. *By William Cavendish, Duke of Newcastle. Introduction by William C. Steinkraus. Commentary by E. Schmitt-Jensen. Winchester Press. 43 engravings. 256 pp. $25.* Not primarily an "art" book, but the quality of draftsmanship, the extreme interest in representations of the purely visual aspects of profile in *haute école* riding, the excellence of the prose accompaniment, make it an exceptional art object. A facsimile of the 1747 edition, it is introduced by the distinguished captain of the American Olympic

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"Everybody's organized but the people."

John Gardner asks you to join him in forming a mighty "Citizen's Lobby," concerned not with the advancement of special interests but with the well-being of the nation.

After spending the last 5 years in Washington as Secretary of Health, Education & Welfare and as Chairman of the Urban Coalition, John Gardner is convinced that only an aroused and organized citizenry can revitalize "The System" and change the nation's disastrous course.

I know that many of you share my concern ove what is happening to our country.

That is why I am coming to you; to ask you to joi me in forming a new, independent, non-partisa organization that could be an effective force in re building America.

It will be known as Common Cause.

It will not be a third party, but a third force i American life, deriving its strength from a commo desire to solve the nation's problems and revitalize it institutions of government.

Wherever you touch the public process in thi country today, almost without exception, you wil find a failure of performance.

The air we breathe is foul. The water we drink i impure. Our public schools are in crisis. Our court cry out for reform. Race conflict is deepening. Un employment is rising. The housing shortage ha driven rents through the roof.

The things that government is supposed to do, it i not doing. The things it is not supposed to do—inter fering with the lives and liberties of its citizens—i is doing.

How we can work together in Common Cause.

The first thing Common Cause will do is to assis you to speak and act in behalf of legislation designe to solve the nation's problems. We will keep you u to date on crucial issues before Congress. We wil suggest when and where to bring pressure to bear.

Common Cause is an outgrowth of the Urban Coa lition Action Council. Operating under a governing board of extraordinary diversity (mayors, leader from business, labor, minority and religious groups) the Action Council proved to be astonishingly effec tive in influencing major legislation.

So we know from first hand experience that citizen action can get results.

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I shall not attempt to list here all the issues with which Common Cause will be concerned.

We believe there is great urgency in ending the Vietnam war now. We believe there must be a major reordering of national priorities, and that the Government cannot go on spending $200,000,000 a day for "national defense". We believe the problems of poverty and race must be among our first concerns. We will call for new solutions in housing, employment, education, health, consumer protection, environment, family planning, law enforcement and the administration of justice.

We intend to take the phrase "Common Cause" seriously. The things that unite us as a people are more important than the things that divide us. No particular interest group can prosper for long if the nation is disintegrating. Every group must have an overriding interest in the well-being of the whole society.

One of our aims will be to revitalize politics and government. The need is great. State governments are mostly feeble. City government is archaic. The Congress of the United States is in grave need of overhaul. The parties are virtually useless as instruments of the popular will. We can no longer accept such obsolescence.

Most parts of the system have grown so rigid that they cannot respond to impending disaster. They are so ill-designed for contemporary purposes that they waste taxpayers' money, mangle good programs and frustrate every good man who enters the system.

The solutions are not mysterious. Any capable city councilman, state legislator, party official, or Member of Congress could tell you highly practical steps that might be taken tomorrow to make the system more responsive. But there has been no active, powerful, hard-hitting constituency to fight for such steps. We can provide that kind of constituency.

Skeptics say "But you can't really change such things." Nonsense. The Congress of the United States has changed in dramatic ways since its founding. Why should we assume it has lost the capacity to change further?

The political parties have changed even more dramatically since the birth of the Republic. They can change again.

Many of you share my anger at institutions and individuals that have behaved irresponsibly. But, if we're going to focus our anger, a good place to begin is with ourselves.

We have not behaved like a great people.

We are not being the people we set out to be. We have not lived by the values we profess to honor. And we will never get back on course until we take some tough, realistic steps to revitalize our institutions. We had better get on with it.

In recent years we have seen too much complacency, narrow self-interest, meanness of mind and spirit, irrational hatred and fear. But as I travel around the country, I see something else. I see great remaining strength in this nation. I see deeper reserves of devotion and community concern than are being tapped by present leadership. I see many, many Americans who would like to help rebuild this nation but don't know where to begin.

I invite you to be among the first to join us in Common Cause.

We cannot and should not depend on big contributors. The money to support our work must come from the members themselves.

We therefore ask you to enclose a check for $15 with your membership application.

If you can afford more, send an additional contribution.

With a large and active membership, we can begin to remake America.

—John W. Gardner

Common Cause
2100 M St., N.W., Washington, D.C. 20037
Tel: 202-293-1530

I would like to become an active member of Common Cause. I understand that my annual dues will be $15, which will help support the work of the organization.

☐ Check enclosed. ☐ Bill me.

☐ I want to do more: My check also includes a contribution to Common Cause of ☐$100 ☐$50 ☐$25 ☐$10. Other $____

☐ I would like to pass this ad around to my friends. Please send me_____ copies.

Name _____

Address _____

City _____ State _____ Zip _____

Phone number _____

Please make checks payable to

Common Cause

BN

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Equestrian Team who is also a humanist scholar and critic. The edition is limited to 1,450 copies.

Individual Artists

CHARLES DEMUTH: Behind a Laughing Mask. *By Emily Farnham. University of Oklahoma Press. 10 color plates, many in black and white. 190 pp. $9.95.* Demuth has a real place in our history as one bridge that brought Cubism to America, but this service is subservient to his exquisite watercolors of fruit and flowers and, above all, his witty, ironic, powerful and delicate illustrations to Henry James, and scenes of private life in New York through the twenties. With acid sweetness and sharp charm, Demuth has something akin to the pathos of an American Watteau. A precious and unforgettable artist.

ANTOINE BOURDELLE. *Hirschl & Adler Galleries (21 East 67 St., New York City). 55 black-and-white illustrations. 64 pp. $3.* A catalogue of a retrospective show of considerable interest, now extending through December 26. Bourdelle was the most powerful official French sculptor after Rodin; his carvings, inspired by the body of Isadora Duncan, on Perret's Champs Elysées Theatre (1913) are almost the last ensemble of heroic sculpture in the West. While a sense of strain and histrionic tension frustrated his noble ambition, nevertheless this good study recovers a talent which is by no means insignificant. The large "Bacchante" brilliantly suggests the physical impact of Isadora.

THOMAS COUTURE: Paintings and Drawings in American Collections. *Introduction by George Levitine. Essays by Alain de Leiris, Jane Van Nimmen. University of Maryland. 48 gravure plates. 62 pp. $3.50.* Couture was an extremely influential teacher and a strong painter in the middle of last century. His "Romans of the Decadence" (1847) was a sensation; he never equaled its impact but painted individual portraits and other pictures of solidity and vigor that recommended him to greater artists; Manet spent six years in his studio. This book is typical of the growing excellence of publications in less known universities; in itself it can hardly be improved upon in beauty of format and completeness of information.

GERMAN PAINTING OF THE 19TH CENTURY. *Introduction and catalogue by Kermit S. Champa with Kate H. Champa. Yale University Art Gallery (New Haven, Conn.). 104 plates in gravure. 239 pp. $7.30.* Primarily the record of a loan show from West German state and civic museums, this presents beautiful works and serves as an admirable, inexpensive record of a neglected aspect of European painting which is significant. The importance of Paris has overshadowed other independent energies, notably in Italy and England, but many excellent American artists learned their craft in German studios. Good short biographies, an excellent historical introduction and fine plates make this a desirable study.

Archaeology

THE SPLENDOR OF SCYTHIAN ART: Treasures from Scythian Tombs in the Hermitage Museum, Leningrad. *By M. I. Artamonov. Introduction by Tamara Talbot Rice. Photographs by Werner Forman. Praeger Publishers. 190 color plates; 298 black-and-white plates, with 23 diagrams and 2 maps. 298 pp. $20.* In spite of overwhelming riches of Western painting in the Hermitage, perhaps the two most thrilling experiences one gains from Leningrad are the felt and wood funeral trappings recovered from permafrost of the Altai, and a blinding impression from the gold chamber housing Scythian tomb objects. From the sixth through the fourth century B.C., these extraordinary artifacts were made and gathered in funeral mounds, many in south Russia, reflecting Hellenic and Persian mastery in metal. Extraordinary vitality in modeling, casting and chasing; perfection in jewelry and exquisite drawing on ivory, are well captured in this extraordinary book by the keeper of the collection.

Typography and Book Design

AMERICAN WOOD TYPE: 1828-1900. Notes on the Evolution of Decorated and Large Types. *By Rob Roy Kelly. Van Nostrand-Reinhold. 106 complete alphabets; 600 styles; 100 specimens of complete or partial fonts. 350 pp. $22.50.* This extraordinarily beautiful book demonstrates the broad range of ingenuity and elegance in 19th-century American type-design. It is inexhaustibly suggestive for adaptation or copying by its grace and economy in matching letters to desired space, a lively metaphor of necessity playing on aesthetics. Lavishly produced with full historical and technical summaries, the subject is covered with a completely satisfactory thoroughness; it is also a superb picture book, exciting, amusing, rewarding.

MANUAL TYPOGRAPHICUM. *By Hermann Zapf. The MIT Press. 100 typographic pages. 256 pp. $18.50. Paper $5.95.* Interesting alphabets accompanied by texts in sixteen languages, some by the author, an able designer, and many from the archives of the Stempel Foundry in Frankfurt am Main. The book has an unusual horizontal format and was formerly available only in a limited edition.

ABOUT ALPHABETS. *By Hermann Zapf. The MIT Press. 144 pp. $10. Paper $2.95.* Revised, inexpensive edition of a ten-year-old book, illustrating famous European types, contrasting with unfamiliar faces in Greek, Cyrillic and Arabic characters. Working drawings show personal changes and alteration at the hand of the author, a working printer.

FILMS

ROBERT HATCH

Quite far along in the fabrication of his confession, Artur London's interrogator explains to him that for the moment they are just putting together the objective facts; later, they can move on to the subjective considerations. Of course, they never do, and much the same thing may be said of Costa-Gavras' *The Confession*, in which Yves Montand enacts the horrifying experiences of London, a man high in the Czechoslovak Communist bureaucracy who was one of the defendants in the 1951 Slansky trials.

It is an exquisite film, constructed with a sensitivity to the texture of the jerry-built hell in which the victims of Stalin's death throes are confined. It never falters as to light or sound or the appalling detail that make this nightmare inescapably credible. I cite one example: London and his co-defendants are kept, when they are not being questioned, in rough wooden cells that resemble cattle pens in a slaughter yard. But the building in which they are held was evidently once a palace or elegant residence, and here and there the carpenters have taken advantage of the original walls. The contrast between fragments of elegantly wallpapered salon and the rough pine boards chills the heart with the realization that this is something remembered; that it is unlikely to have been invented.

And so with the process of preparing the confession. London is a tough and experienced Communist bureaucrat with a history of important party activity dating to the Spanish Civil War. He is also utterly innocent of any crime against the state. Yet he signs, memorizes and recites in court a confession of treachery that stretches back for years. It doesn't seem

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possible until one sees the method, and then it seems inevitable.

London's inquisitors do not use torture, if by that one means racks and thumb screws and the later electrical refinements. They need a seemingly intact London to display eventually at the show trial, and in any case such devices are not necessary. They half-starve the man, deprive him of sleep, exhaust him with enforced pacing of his cell. But these are done less to cause him direct pain than to confuse his mind and weaken his resolution. The process starts even before he is seized. For days, cars full of political police ostentatiously follow wherever he goes. This naturally alarms him, causes him to scurry about for conferences with colleagues (who are also marked for investigation). Such actions can later be cited as symptoms of guilt; more important, they make London feel guilty, though of what he cannot say.

His enemies were greatly assisted by the fact that London was (and as far as I know still is) a faithful Communist. He persists in thinking some terrible error has been made and that, between them, he and his tormenters can set it straight. He can even swallow the notion that he should confess because the party needs his confession. Of course, by then he is not thinking very clearly—he has reached the point of signing fragments of statements in exchange for a moment's sleep or a mouthful of food; such statements are "factually" true but they will be put together into paragraphs that are utterly false. But even years later, when he is free and resting among friends somewhere on the French Mediterranean, London still looks back on the horror as something done by bad men in a bad time. It is not just that he still believes in the theories of communism; he still adheres to the practice of totalitarianism, and cannot wait to get back to Prague to be reunited with the good totalitarians who have "corrected the situation." He arrives on the day when the Soviet tanks roll into the city, and the picture ends with Montand's face in close-up, frozen against a montage of the people's derisive but impotent resistance to a further "correction of the situation." Does he finally realize that his months of torment corrected an earlier situation and that under totalitarianism such correction will always be the procedure? The film doesn't say, but a fair guess is that London is a "believer," and such men do not learn.

I submit that Yves Montand is not the actor to play that man. He says the words of blind dedication, but coming from his lips they have no reality. He cannot look like a "believer"; he looks, moves, speaks like a sophisticated Frenchman of independent mind, logical acuity and quick humor. That a man of that sort could have been forced into a confession is believable (indeed, it is obvious, since the method will work with any man); but that he could have been a loyal functionary of the regime for years both before and even after his ordeal passes belief.

This, it may be said, is a mere matter of personal style, but style is what a man principally tells you about himself. All through *The Confession* the audience identifies with the person Montand so powerfully projects, but at the end it is forced to admit that that was not the person about whom the story was being told. It is the same with London's wife. I suppose it is true that, after the trial, she wrote a letter to the authorities denouncing her husband; but if so, she is not the woman whom Simone Signoret plays throughout the film. The objective facts are all there, but the subjective meaning—which is what matters—is blank.

Much the same thing happened with *Z*, in which Costa-Gavras also directed Montand. I don't think it is entirely an accident. The purpose of these films is to supply the public with cat-and-mouse adventures that offer the added fillip of historical documentation. For that to work, the audience must identify strongly with the protagonist, and it isn't easy for most Western audiences to identify with underlings who go along for years not realizing that their state is a trap, who fall eventually into its jaws, and who escape without ever realizing what nature of trap it was. So the solution is to cast Yves Montand in the role, and never mind that it makes no sense. There were others in the cast, among the co-defendants, who looked exactly like "true believers"; unfortunately, one would need to be drugged to identify with them. If one could show how such men come to be, and what sustains them, it would be a revealing tragedy. But *The Confession* is not that; it is a romance that in the closing footage papers over the discrepancy between character and event with newsreel clips of a people's heroic defeat.

Investigation of a Citizen Above Suspicion reads like one of those titles that intend to call attention to the product by their very awkwardness. But Elio Petri, the director, was probably only stating the subject literally when he named his picture; he has created a fantasy on the entirely germane text that the exercise of power induces madness (Lord Acton raised one quantum jump), and needs no gimmickry to salt the box office.

The citizen in question is the chief of the homicide squad, presently elevated to

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THE PANTHER PARADOX

A LIBERAL'S DILEMMA

by DON A. SCHANCHE

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McKAY

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chief investigator of political subversion. The city, I believe, is Rome of today or tomorrow, but with the oddity that Mussolini, or at least his ideals, appears to have prevailed. Police-wise, it is a very tight town.

The homicide chief (Gian Maria Volonte) enjoys a somewhat daft mistress (Florinda Bolkan) whose pleasure is to pose as the body of the victim of each sex murder her lover investigates (he appears to investigate about one a day) while he assaults her with a candid camera. On their final meeting, she greets him with the question: "How are you going to kill me this time?" To this he replies: "I'm going to cut your throat." They then go to bed, and during intercourse he does just that, later retrieving the razor blade from among the bloodied sheets. He also tracks blood through the apartment, placing his feet carefully on absorbent surfaces, leaves his fingerprints on every polished surface and, after phoning his office to report the murder anonymously, has a pointed encounter with a young tenant of the building, who will certainly remember him if the question of his presence should be raised.

His point is to prove that a man in his position *cannot* be suspected of murder, and indeed he is right. When he and his staff speed to the scene of the crime (he has meanwhile returned to the office, bringing bottles of champagne from the girl's refrigerator to celebrate his promotion), his colleagues josh him gently about the clues pointing in his direction. They fear him, as well they might: he is a crude bully when he is not being a crude hail fellow. The inspector preens himself that his thesis is so neatly proved, but there is gall in his self-satisfaction. It begins to occur to him that he is being grossly overlooked by his industrious former staff; it is all very well to be untouchable, but it also takes on the exasperating quality of being invisible. The inspector keeps slipping away from his new job of rounding up every non-Establishment type in the city to invent additional clues for the dolts at homicide. It won't work; he gets some long looks, but no firm grip on his shoulder; and at the end he is revolving in what seems to be a compulsively repeated confrontation scene that repeatedly aborts. Quite mad.

As fable, this strikes me as very good. It illustrates by exaggeration what everyone has noticed: that people who wield power—little power, or big power, but in any case power that is not checked—develop before long traits of personality that suggest derangement. It isn't just arrogance; it passes over into fantasy. To be sure, this works some advantage to the holders of power, since other men, kept prudent by sanity, are less likely to challenge them. But it is unfair to ask anyone to take a job that will addle his wits; we no longer have mad hatters, reformers having taken mercury out of the felting process. Perhaps we should also detoxify the power process, starting at the level of the prowl car and ending, say, on Pennsylvania Avenue.

Of course, good fables should also be good stories. One remembers "The Fox and the Grapes" and "The Frogs and King Log" because La Fontaine made such faultless dramas in miniature out of them. On that score, Petri has not succeeded as well. He is extremely well served by Volonte, who knows how to twitch enough to seem unhinged without becoming overtly silly, and whose almost instantaneous shifts from one repellent mood to another are disconcertingly effective. But the details of the supporting narrative are rather slack and ragged, the mechanics of the action is inefficient and repetitious and the characters of those surrounding the inspector are not sufficiently developed to give him leverage. They seem as like as geese, which is perhaps how he saw them, but I did not take it that we were meant to be looking out through his eyes. I became a little restive, but I find the picture sticks with me. The screen doesn't often supply allegory as true as this, or as foreboding. □

ART

LAWRENCE ALLOWAY

The strength of Joseph Cornell is in his boxes, that suite of marvelous aedicules carrying an inventory of nostalgia objects and images. Twenty-one of these tiny kiosks were shown at the Metropolitan Museum of Art last year in Henry Geldzahler's "New York Painting and Sculpture: 1940-70." This year the same curator has arranged a show of Cornell's collages, forty-five of them, done in the 1960s (through January 24). Since Cornell has been seen so recently in the work he does best, why exhibit what he does less well? And given the number of artists who have never been seen in the Metropolitan at all, why show one twice in as many years?

What is wrong with the collages emerges clearly when one realizes the extent to which Cornell depends on the construction of the box to locate his cut-out images in space, to control light by means of glass and shadowy recesses, and to stir up that fondness we all have for ships in bottles and boxed games. Without the slight but essential architecture, the depth of a box, Cornell's images are banally sweet. Out of the boxes his familiar theme of children in historical dress, birds, bees, constellations and clouds are weakened. The sentimentality of their combination and the campy sources of the material are unabated.

Unprotected by containment, the images lose their sense of privacy and evocation and become simple associative cues. Of course, it is true that abandoned and forgotten materials have a great potential for use in art, and nobody has excavated the attic better than Cornell. However, he made his early boxes before the explosion of junk culture occurred in the 1950s, and a certain fatigue is now attached to assemblages and souvenirs. The original boxes are still fine, but the collages' directness of presentation betrays Cornell's repetitive inspiration.

There is no doubt that the pleasantest forms of art criticism have to do with discovery (somebody new), respect (continued productivity of a known artist) and love. The art journals encourage favorable attitudes: after all, they propagate art and they try not to irritate their advertisers with many bad reviews. Praise also has the advantage of reassuring readers that they are really giving their time to something worth while. Complaint, disappointment and indignation have a place in the spectrum of critical attitudes and it is our loss that these are concentrated as much as they are in newspapers. An art writer on a daily newspaper can expect to hold his readers better by attacking or exposing something than by enjoying it. Fear of sounding like a newspaper columnist, however, should not silence other writers on art. In addition to the regret that I feel about Cornell's later work, I feel I should record my scorn for Larry Rivers'.

Rivers had a retrospective, arranged by the Rose Art Museum, Brandeis University, in 1965. By then it was possible to see that his paintings of the early 1950s formed an idiosyncratic realist style, its strength a kind of perceptual quirkiness, its weakness a tendency to solve problems by resorting to drawing in the middle of painting. His later paintings are like the work of a Second Avenue Dufy, deft and ever so tricky. In the last five years, Rivers' capacity to improvise paintings to an approximate point of resolution has collapsed. The present show of his work at Marlborough (through January) picks up where the Brandeis show stopped, with Rivers getting into assemblage. Assemblage to him means making a salad of cardboard, canvas, sheets of plastic and bits of metal, window frames, incandescent lights and

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GRAFFITO

Accurate?
To the point, rather,
and sad—
by internal evidence the
work of a starved boy
still guessing more than he knows
of this soprano clef
of red music.

Alexander Laing

neon tubes, and on all these fragments drawing and painting his usual images, or bits of them. To quote the artist on his new work: "We are in 3D throes." There is no doubt about Rivers' wit, but being able to joke about one's situation is not the same as being able to change it.

In this show early successes reappear in awkward relief and cursory cutout (such as the vacuous three-dimensional tableau of the death of a Confederate veteran, echoing Rivers' early work). He has always juggled with sketchiness, the look of unfinishedness, and in flat paintings he got away with it. In any case, the sketch in painting has a tradition that tolerates vividness in exchange for completion. However, Rivers fails to keep together three-dimensional objects of diverse materials. The ramshackle appearance of each object, with its panicky eruptions of painted forms and drawn contour, is inconclusive and messy. It is as if work in progress has been thrust into public, with all the mess of the studio upon it, and all the decisions left up in the air. Not only are the objects physically uninteresting but the iconographical ideas are completely undeveloped.

The Cornell collages do not, basically, constitute a show that needs a museum's hospitality. On the other hand, the Guggenheim Museum (in collaboration with the National Gallery of Canada and the Museum of Art, Rhode Island School of Design) has put on a show that was very much needed and which needs a museum's resources. It is a retrospective of Joaquín Torres-García. The Guggenheim stresses South American art from time to time, in the same way that the John Simon Guggenheim Memorial Foundation (same family, different institution) favors Latin Americans in its grant giving. The reason has to do with reparations for the forced contributions South America made years ago to the family fortune. In Torres-García the gesture of amends coincides with an excellent exhibition. Technically, the artist is Uruguayan; he lived there until he was 17, lived in Europe for forty-three years, and returned home for the last fifteen years of his life. The exhibition, diligently organized by Daniel Robbins, presents a good survey of his pictographic paintings, which constitute his contribution to art, and of his interesting wooden toys. From 1929 to the end of his life he used a grid in his pictures to support signs, visual and verbal, some iconic, some mysterious. It was a strategy also used by Paul Klee, of retaining the decorative flatness of early modern art while opening painting up to evocative linguistic patterns.

Torres-García is interesting in his own right and in relation to Adolph Gottlieb, one of the first artists of the Abstract Expressionist generation in New York to create a style of his own in the 1940s. The last time I asked Gottlieb about his knowledge of Torres-García's paintings he could not remember seeing his work in the early days, despite its resemblance to his own compartmented paintings. Mr. Robbins' reference to this is obscure, but the catalogue makes clear that Torres-García's work was available in New York from the 1930s on. The catalogue of this excellent show suffers from being inflated, an inordinate amount of white space being taken to raise the page count. Also there are too many uninteresting and repetitive catalogue entries, such as "V Bienal de Sao Paulo, Brazil, September-December 1959, *Sala Torres-García,*" which occurs sixteen times. All that was needed were the words "Sao Paulo 1959" and a key to this and all other needed abbreviations at the head of the list of exhibits. □

DANCE / Nancy Goldner

One thinks of George Balanchine as a classicist, his works exuding Mozartian grace or the kind of gaiety that Yeats describes in the poem "Lapis Lazuli." They are healthy ballets. But then there is an extravagant side to Balanchine—the all-out romantic ballets. They are lush, mysterious, almost fierce in their lyricism. I think of such works as *Serenade,* parts of *Don Quixote, Meditation,* and a kind of religious ceremony created in memory of Martin Luther King, Jr., a ballet in which you could almost smell incense. Balanchine is not the strange case of Dr. Jekyll and Mr. Hyde, but he does have a side that is intriguing.

His new ballet for the New York City Ballet (premièred December 3) is called *Suite No. 3,* to Tchaikovsky's music of the same title. In this work exist his two personalities. The first three parts are romantic. The last part is his familiar *Theme and Variations,* which has been in the American Ballet Theatre's repertory since 1947. It is strictly classical.

In its entirety, *Suite No. 3* is one of the strangest ballets I have seen, and not only because of the fact that two diametrically opposed spirits are playing in the same work. I cannot figure out what Balanchine had in mind. Consider the statement that the work has a split personality of sorts. Perhaps this was precisely the idea that Balanchine was trying to refute. First, he sets up the idea of the split. Then he will demonstrate that, with certain adjustments, romanticism can evolve into classicism, without losing its distinctive identity. Just to make the construction of the bridge as challenging as possible, he presents us with extreme romanticism. We see the dancers behind a scrim, a scrim suggesting whirlpools of water, no less. The girls wear their long hair loose, and in the first section they are not even wearing toe shoes. The costumes are long, in blues and lavender. The lighting is thick with atmosphere.

In the first part, the choreography is completely complementary to the scenic aspects. Without any defined steps, the girls and one man run and leap freely and with abandon. There are no patterns to their groupings, and although there is a female soloist, her role is only vaguely defined. In such fluidity, she easily merges with the corps. The second part is built around a couple, but the *pas de deux* as such is still in a nascent stage of development. Yet there is less free movement, and there is a greater distinction between the ensemble and the couple. Balanchine is pulling in, but he really begins to tighten the reins in the third section. This is an allegro, which necessitates denser choreography. Not only are there more steps to the beat and greater speed and precision but some exploitation of technical skill. The female lead does quick turns and the man high jumps. The ensemble is definitely in a supportive role. In fact, we have now moved so far from the spirit of the first two sections that the girls' long hair and the scrim seem out of place. The faint lights of chandeliers, which begin to glow behind the scrim, are much more in keeping with the choreography. And thus, when the scrim rises on the fourth and final movement, revealing a grand ballroom and ladies and a gentleman in formal ballet attire, we should not gasp

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with surprise. After all, wasn't Balanchine working up to the St. Petersburg court all the time? Forget the romantic ambiance for a minute, for weren't those woodland sylphs *dancing* differently from section to section?

Well, yes, Balanchine did pull off a great tour de force. He did bring us to the classical style entirely within the framework of romanticism. Theoretically, the final transformation to the ballroom, which would normally shock for its contrast, should seem inevitable. This is the irony, the joke that Balanchine was perhaps developing. Yet, even though I recognized that the first three parts were evolutionary, I was still thrown off balance when that scrim ascended. Balanchine's irony was miscalculated; it could not endure the journey from conception to actuality. In this context, *Suite No. 3* is a daring experiment which failed.

But I am not willing to put the ballet to rest with that eulogy. One reason is that I greeted the fourth movement not only with shock but with a mixture of delight and relief. When I saw those dancers in their tutus, at first poised for action, and then gliding into the opening *ports de bras*, my reaction was: at last, now we get down to business. Not that classicism is more satisfying than romanticism, but it so happens that the very first seconds of *Theme and Variations* are infinitely superior to what is seen in the preceding parts.

For, taking into account the theory that Balanchine was experimenting with bridge building in the romantic parts, those parts constitute some pretty dreary choreography. Here was Balanchine going through the motions of dance-making without injecting any of the passion, motivation and intimacy that make *Serenade* and *Meditation*, for example, overwhelmingly beautiful. Without that kind of anchoring, it was excessive, a comment on romanticism rather than an embodiment. Indeed, the choreography was so stuck on itself at times that I began to suspect that Balanchine was making another joke. I thought of the windswept feeling of *Serenade*. Did Balanchine, in a perversely comic mood, decide to make a dead convention out of that feeling, by having the dancers rush about in a windless atmosphere? Swoon without being in love? Replace flowing hair for supple movement? In short, was he excessive on purpose?

Perhaps, but he was not dull on purpose. That the intent was parody is plausible, but that parody should produce bad choreography is unacceptable. While it was good to settle comfortably down with *Theme and Variations* and the brilliant dancing of Gelsey Kirkland and Edward Villella, I did so at the expense of the appetizer. If *Suite No. 3* means simultaneously to explore the range of romanticism and to parody it, the work is potentially highly provocative. That the irony and humor fail only contributes to its fascination. But then perhaps *Suite No. 3* is merely a bad new ballet tacked onto an old good one. The validity of each alternative persists; it is one of Balanchine's most puzzling works.

The Batsheva Dance Company of Israel, founded in 1964, is making its first United States appearance and was performed at the City Center in New York from December 8 to 20. The opening-night program indicated well what the company can and cannot do. The group is honored to have Martha Graham as artistic adviser and is the only one, outside of the Graham company itself, to perform her works. While this privilege allows it to perform great choreography, it also makes the rest of the repertory look weak. At the program I saw, Graham's *Errand into the Maze* was the only work worth doing. Rina Schenfeld, as the heroine who must conquer the fear in her heart (represented by the Minotaur) slithered in and out of the Graham contractions with complete authority and proper *Angst* just short of perfection.

With the exception of Miss Schenfeld and Bruce Becker, who are both fine technicians and dance with élan and finesse, the women tend to perform rather blandly, while the men go in for a he-man style. They are overly muscular and aggressive and make no bones about the fact that dancing is hard work. Some call this masculinity; but since when is grace effeminate? Given their approach to movement, they do poorly in Norman Walker's *Baroque Concerto No. 5*, which calls for pure technique and clean line. The women, too, floundered in this. The dancers are more compatible with "expressive" choreography, in which fuel is provided by subject matter instead of their own bodies. Unfortunately, these so-called dramatic works are tedious. Glen Tetley's *The Mythical Hunters* has some imaginative movement but it evaporates into obscure themes, so that there is lots of action in a vacuum. Ditto for Norman Morrice's *Rehearsal! . . (?)*, which has to do with the real and unreal overlapping. *Sin Lieth at the Door*, by Batsheva dancer Moshe Efrati, is an example of what happens to a choreographer living in the shadow of Graham. He cannot duplicate her intensity and subtlety, but he cannot abandon her image either. In this ballet what is intended to be a personal interpretation of the Cain-Abel conflict ends up a clumsy gloss. □

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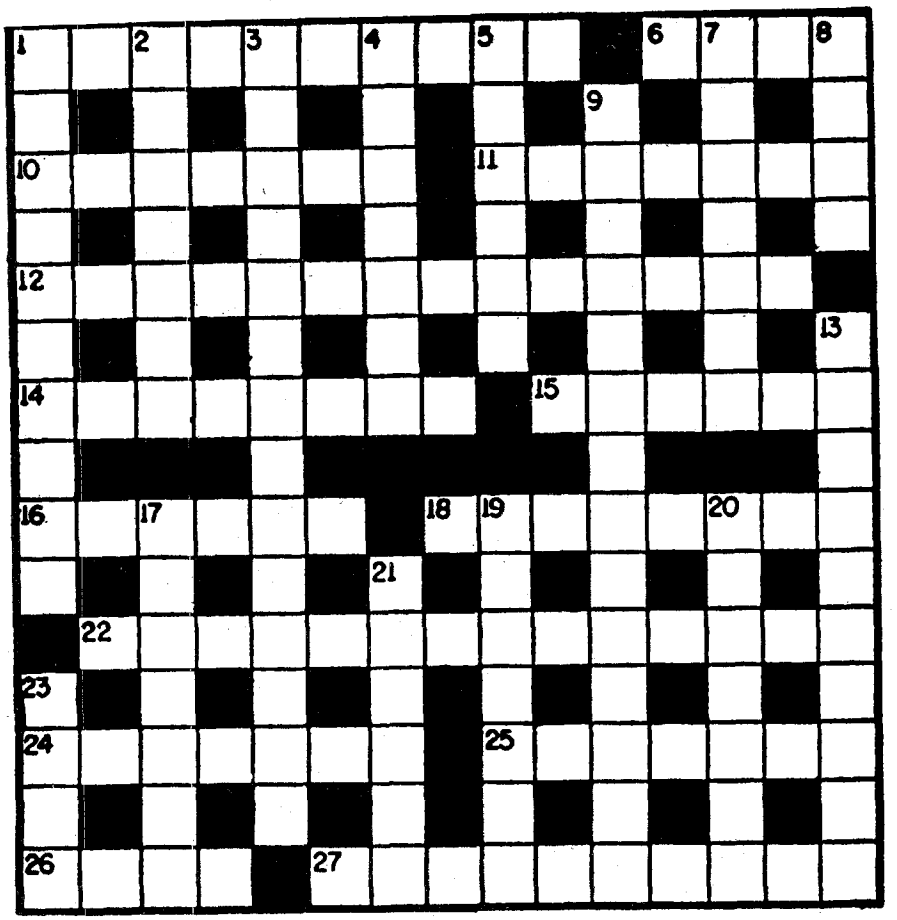
Crossword Puzzle No. 1374

FRANK W. LEWIS



ACROSS

1 I seem to be accompanied by the plantigrade type, so be patient! (4,4,2)
6 Put in a good word for old Dobbin. (4)
10 Have a light meal around the woods? It's so absorbing when one does. (5,2)
11 Is the singer one in a thousand? Quite the opposite, to show a certain amount of stage fright. (7)
12 The thing, however questionable, is at least mundane! (4,2,3,5)
14 Shocks of stock disease? (8)
15 Among its mad components? (6)
16 Possibly contains the spirit of Yuletide, gone back about quite a forceful influence. (6)
18 One who makes do at a political convention? (8)
22 Possibly one of the market holdings. (8,6)
24 A good book to start, seeing's how it's badly written. (7)
25 River or counterfeit coin ring. (7)
26 Brutus in play. (4)
27 Takes a part, but sees no part of it—if I'm first it's just the same. (10)

DOWN

1 "Be Swiss!" the rather confused greeting implies. (4,6)
2 State craft causing claims. (7)
3 What foreign ambassadors might ask for in March? (10,4)
4 False step taken in an art form? He might draw one. (7)
5 A witty remark to her? There had to be one for everybody. (6)
7 Sue, if this bellied out. (7)
8 A mixture of sego and leaves. (4)
9 It might induce acceptance, so come on and remit some change! (14)
13 Tries to, in a way, make repeats. (10)
17 In the average hen, naturally, it implies a good deal of suffering. (7)
19 Write big, and keep occupied! (7)
20 Possibly such an order is double! (4-3)
21 Its use may be of some help to the cold-sufferer. (6)
23 The spirit of 16 might be improved if this, but not the nominal ingredient. (4)

SOLUTION TO PUZZLE NO. 1373

ACROSS: 1 Gaped; 4 Sebaceous; 8 Backstage; 11 Maulstick; 12 Drill; 13, 1 down, 10 and 21 across Things that go bump in the night; 17 Horsewhips; 22 Situation; 23 Edict; 24 Nihilists; 25 Saturates; 26 Dylan. DOWN: 2 Pickups; 3 Desist; 4 Spanish chestnut; 5 Breaking pitches; 6 Childish; 7 Outright; 8 Stellate; 14 Channels; 15 Druggist; 16 Testator; 18 Railed; 19 Tinsel; 20 Unison.

Readers are invited to send for a free copy of Mr. Lewis' "ground rules." Address Puzzle Department, *The Nation*, 333 Sixth Avenue, New York, N. Y. 10014.

PERSONALS

MATTERS SUPERHUMAN

As 1970 comes to its close it would be remiss not to mention some of the great men whose anniversary it marks.

Ludwig Van Beethoven brought tremendous pleasure and inspiration to millions. Yet, had his been an easy existence, he too might have succumbed to the sterile luxurious life that mired many other talented creators.

Franz Lehar wrote much good music. Yet, without The Merry Widow, the result of a fortunate script, he would have risen no higher than other composers of his time.

Vladimir I. Lenin's greatness is not revealed in the Russian revolution. One must study the tragedy of the French revolution to understand the great task involved in preventing the same thing happening in Russia. Yet, had Lenin lived past the eight years or so during which rulers retain their full capabilities, he too might have succumbed to usng tyranny to maintain himself in power.

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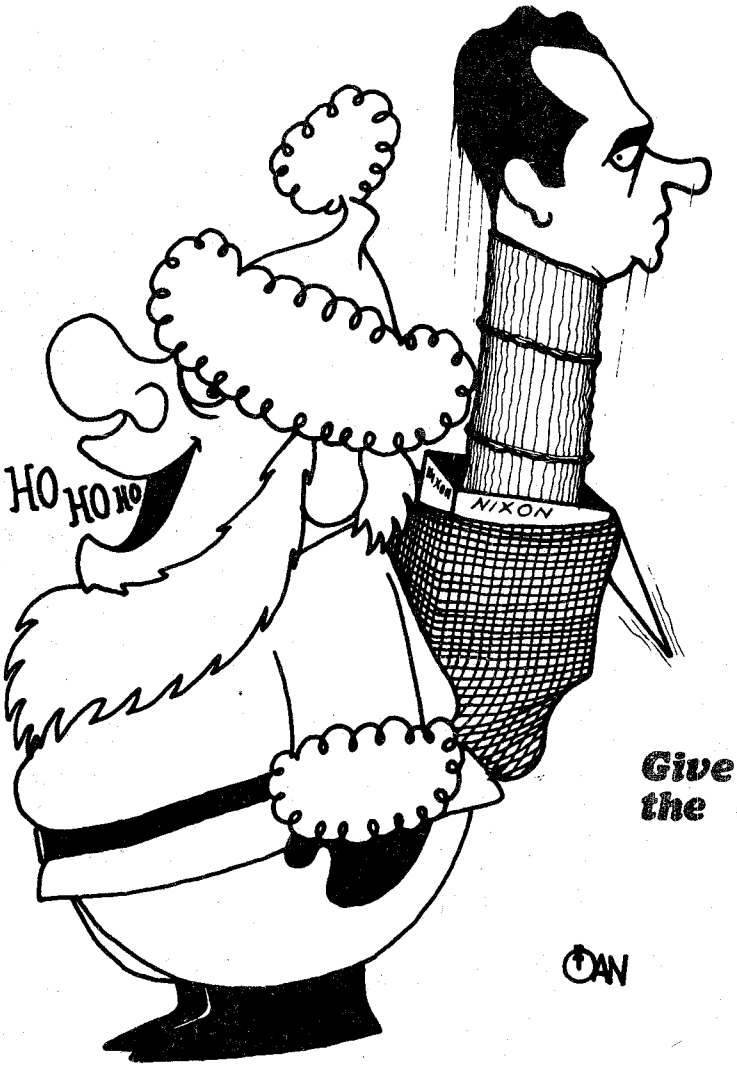

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have built up a guerrilla network. Their leader is Senator Nicolson, son of a prominent Catholic member of the DAR, head of a shipyard and airplane company working for the military, former Marine officer and pilot, CIA official, key adviser to the President on anti-guerrilla warfare, and member of a prominent New York law firm. The clandestine guerrilla organization, in concert with black workers and engineers, has penetrated the highest power centers of the nation and is preparing a *coup d'état* in which the Administration, under threat of nuclear rockets from a cooperating Polaris submarine commander and a code officer in the Pentagon's computer center, will be forced to institute those changes in the laws and institutions which are necessary to bring about about the long overdue "social revolution every twenty years" which Hochhuth quotes Thomas Jefferson as having advocated.

The peculiar character of the revolutionary program (to be instituted by fiat) is perhaps best expressed in the first and last of its seven points, as proclaimed by one of the conspirators, a TV commentator with some resemblance to Walter Lippmann:

¶The founding of an American workers' party.

¶The exile of "the leading man and his eldest son or heir from among the 200 families owning 90 per cent of the land and means of production."

One of the romantic incidents of the plan is a debutante ball in Los Angeles, well patronized by the daughters of the business and political elite (thanks to the unwitting help of the mother DAR), which is to supply the conspirators with valuable hostages. Lovers of revolutionary mayhem are well served by a number of cloak-and-dagger episodes on stage: from the gassing of an unwelcome witness, to electronic eavesdropping and discreet violence in a Guatemalan cathedral, and finally to the killing of the protagonist in the office of his law firm by a CIA official, a friend from Marine Corps days.

More to the point, perhaps, and closer to political reality, is the sense of doom and carelessness which hangs over the affair. It lends an air of absurdity to the meticulous attention to detail, and implies a hidden wish not to succeed that one can detect among the conspirators against Hitler, as well as among the Black Panthers (who call it "revolutionary suicide"). Thus the sideline involvement of Senator Nicolson, and of his beautiful Latin wife, in the Latin American guerrilla network leads to their detection and liquidation. At the play's end the question is left open whether Nicolson's black deputy, whose cover job is to be the Senator's pilot, will be able to take over the command of the as yet undetected domestic operation.

In his preface—like Bernard Shaw's prefaces it is an integral part of the play, as are also the explanatory notes preceding many of the individual scenes—Hochhuth makes some valid remarks on the political theatre. "Political theatre cannot have the task of *reproducing* reality—which is always political—but of confronting it with the *projection* of a new reality. . . . Too many plays attempt to copy events; this play tries to prefigure one. . . . This drama uses the current and temporary New York establishment as a building shell—a shell acquired for wrecking—in order to fill it with revolutionary spirit and to make transparent its façades. In this process, reality has been refined to its symbolic values. . . ."

One may concede to Hochhuth the poet's right to "refine" reality; still, if his play is to strike us as more than a thrilling dramatic experience, it must connect with our own experience of that reality. The success *and* failure of *Guerrillas* have their source here. I shall speak first and in more detail of the failure, because its reasons are more important and more profound, and have an applicability well beyond Hochhuth and his play. Some of the failings are obviously connected with simple ignorance of American facts: thus we may be willing to accept a central character who combines the leadership of a secret guerrilla organization with any one of the other roles assigned to Nicolson; but in the United States no one can at the same time be a Senator, a high-ranking CIA official, the head of a policy-making agency and the active head of an enterprise building submarines and war planes. And if Hochhuth wants us to accept Nicolson as the symbol of the interlocking military-industrial-political establishment, then the man becomes unacceptable as the head of the conspiracy against it.

This leads directly to the major cause of Hochhuth's failure to make his "refined reality" persuasive: his thwarted image of America. He unquestionably has studied the record, but some of the quoted sources are stronger on bias than on accuracy. Like so many of our own younger radicals, Hochhuth combines a critical attitude toward Russia's imperialist acts and stifling one-party rule with a rather crude neo-Marxism on the Cuban model. From this perspective, the United States becomes a monstrous imperialist power plotting for world rule. This opinion is reinforced by his dramatist's attraction toward the conspiratorial view of history. As a result, there are basic flaws in the political argument of the play:

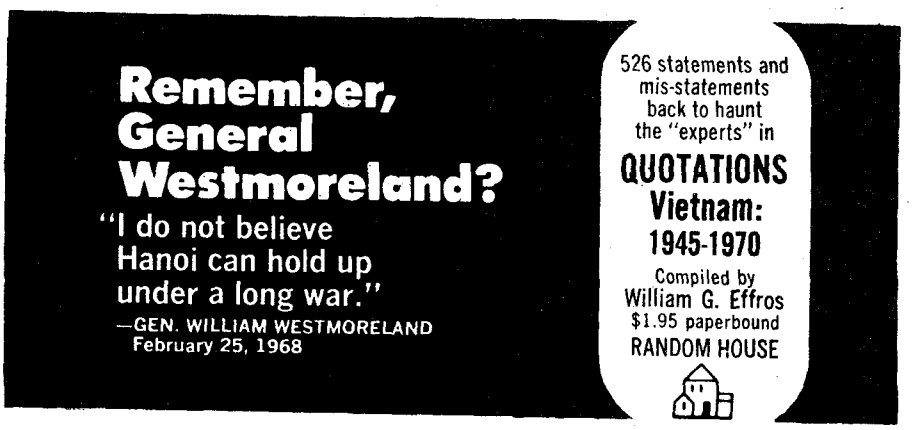
(*1*) Since America is "the only civilized country which never had a workers' party," a genuine labor party must be brought into being (as if a *coup d'état* could achieve what the social climate never permitted—and at a time when American labor's social weight has drastically diminished and when other Western labor parties have shed their class character).

(*2*) A primitive, old-fashioned "Wall Street" is offered as the ultimate power behind everything in the society—foreign policy, military, CIA, the press, political parties.

(*3*) The play makes the grotesque evaluation of Franklin D. Roosevelt and Harry Hopkins as the "only revolutionaries" in modern American history, and the equally grotesque evaluation of Jimmy Hoffa as one of the few "Socialist" union leaders—and for that reason persecuted unmercifully.

(*4*) Hochhuth betrays an almost mystical belief in the omnipresence and omnipotence of the CIA/FBI, and accepts as probable their connivance in the assassinations of the Kennedys, of Oswald and Martin Luther King, and as possible their implication in some of the prominent suicides of the 1950s: John Winant, Lawrence Duggan, James Forrestal, et al.

(*5*) He makes an implicit equation



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of the present-day United States with totalitarian Nazi Germany, and that leads him to dismiss any thought of radical change through normal political means, and to see the only solution in the concept of a secret conspiracy obviously patterned after the anti-Hitler plot of July 1944.

(6) Like the "Men of July" in Germany, Hochhuth's conspirators plan to use the very hierarchy of government for the execution of their orders—forgetting, among other things, that in the United States, except in Washington, the police and the National Guard are not under the direct command of the central government.

Thus at fault in some of its key premises, the play does not work politically—that is, for any one who does not fully share Hochhuth's preconceptions. But it undoubtedly will appeal to many in the European Left, as well as to our own radicals. And revolutionary romanticism often provides good theatre, even for those whom it fails to convince on the political plane.

Also, *Guerrillas* contains enough kernels of truth, enough political sophistication in many of its details, enough rattling of skeletons in the American political closet to be disturbing. After all, we do have in this country accumulations of power—economic, military, political, police—in uncontrolled or insufficiently controlled hands. The possibilities for control and correction, always somewhat haphazard, are today far too dependent on a few courageous Senators, on the slender reed of the media, and on a judiciary not immune to political winds. There have also been enough suicides and assassinations of the "right" people to feed the suspicion that there is more behind them than despair over savage persecution, or the fantasy of madmen fed by the voices of hatred.

In a different way, it is also disturbing that only a few years after the era of John Kennedy, Hochhuth's more extravagant notions about the United States are shared by many European intellectuals, writers, film makers—and compared to Frisch, Dürrenmatt, Sartre or Godard, Hochhuth is a man of moderation. One can, of course, see this preoccupation with matters American as an inverted compliment: the lament of the disappointed lover, or an implicit recognition that here there is still hope for change, that the United States may yet set the pattern for social development elsewhere.

The real test—as Hochhuth rightly emphasizes—lies with the United States: have we exhausted the possibilities for harsh but essentially peaceful radical change, or have we reached a point of rigidity and repression where there is no alternative to desperate combinations or alternations of *coups d'état*, riots and urban guerrillas? Hardly two years ago, this nation forced a President's abdication by its opposition to a senseless war, expressed through normal political channels. Can this same nation have now foreclosed all ways to adapt and adjust to changed conditions within and without? Neither Tom Hayden nor Rolf Hochhuth—nor, for that matter, Spiro Agnew—can convince me that this is so.

Yet I hope *Guerrillas* will be soon shown and published in this country—it forces one to confront the key issues, and it helps make us aware of what we still have, and what we might lose. □

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Crossword Puzzle No. 1356

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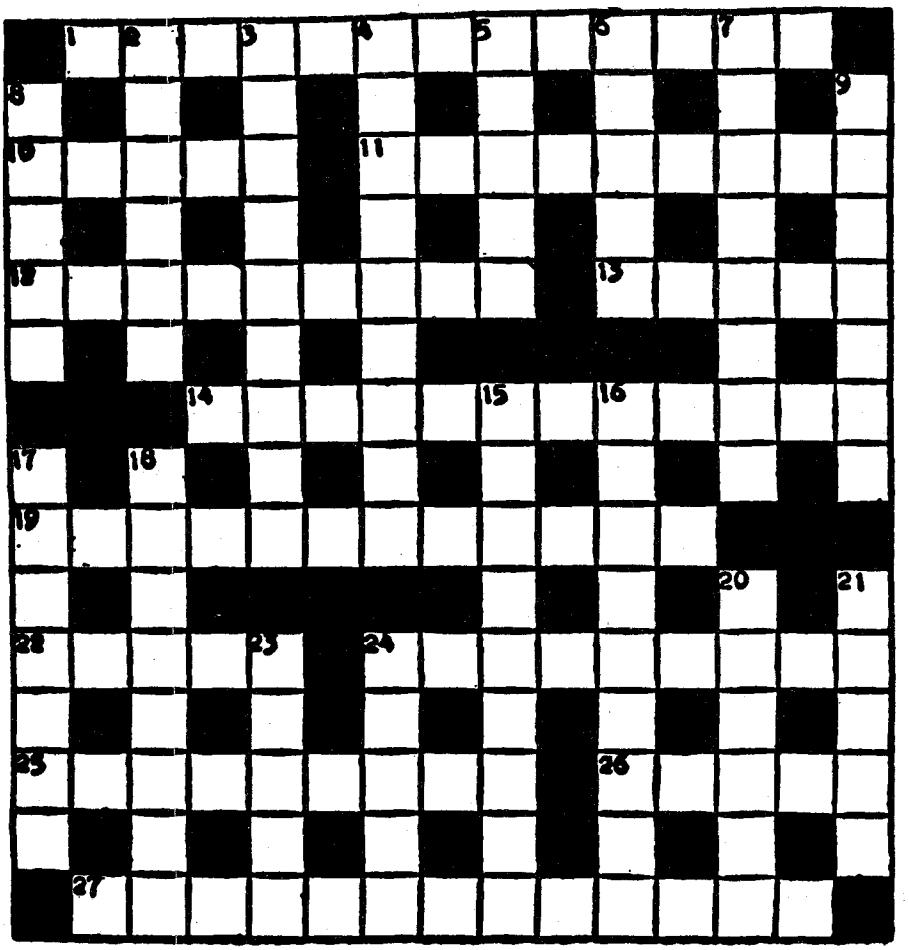

ACROSS

1 See 20 down.
10 Non-creative writers, driven as they are? (5)
11 The price Nagy set for his eulogy, perhaps. (9)
12 Where one might stay returning in clothes made for those that wink at something? (9)
13 Downright deviate! (5)
14 They're not the main business when such as *Nautilus* is back with timely records. (12)
19 What one might do to rum and whisky? (It's rather sweet.) (12)
22 They reputedly rise early, though good times are implied. (5)
24 Literally, the southland. (9)
25 Is its poor construction conducive to a lively performance? (9)
26 It's rather silly to be found in a 45° position! (5)
27 The quality of the allied powers in Europe, without supreme headquarters?

DOWN

2 Such birds as sparrows and thrushes are not quite so nice! (6)
3 Descriptive of the character who sang "I Got Plenty of Nothing"? (9)
4 A little work with newspaper producers burdens one, it seems. (9)
5 Cracked nut, as found in the family? (5)
6 Was he on the lookout for a sugar solution? (5)
7 A reading taken from "Flower Arrangement." (8)
8 Stop payment with it, possibly. (5)
9 Current "Hair" star? (7)
15 Opening bars? (Those that make sport do so!) (4,5)
16 Is the accompanying hand more likely to control the squeeze play with it? (9)
17 What's left of the fire is about to become agitated in a way, so put an end to it. (7)
18 One with quite a few arms to commonly hoard around the woodpile? (8)
20 and 1 across. A card might be, though it implies well-behaved children if you jolly them along. (6,4,3,1,5)
21 There were obviously a considerable number of openings for such a general. (5)
23 Mean to do so, if you get to jump around a number. (5)
24 A natural ring some 21 might demand. (5)

SOLUTION TO PUZZLE NO. 1355

ACROSS: 1 Prostrated; 6 Stab; 10 Outpost; 11 Trounce; 13 Behindhand; 15 Missals; 16 Striker; 17 Hammock; 20 and 12 The Man I Love; 22 Low-pitched; 23 Edit; 25 Ruinate; 26 Believe; 27 Nags; 28 Osteopaths. DOWN: 1 Problem children; 2 Octaves; 3 Trot; 4 Antlers; 5 Entries; 7 Tanbark; 8 Breadfruit trees; 9 Good grief; 14 Carolinas; 18 Mewling; 19 Kickers; 20 Tremble; 21 Audient; 24 Slip.

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